

Memorandum to the City of Markham Committee of Adjustment

April 1, 2021

File: A/011/21
Address: 8 Erlane Avenue – Markham, ON
Applicant: Lorenzo Danesi & Rosetta Danesi
Agent: SH Design
Hearing Date: April 7, 2021

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

The applicant is requesting relief from the following “Residential One (R1)” zone requirements under By-law 1229, as amended, as it relates to a proposed two-storey detached dwelling. The variance requested is to permit:

a) Infill By-law 99-90, Section 1.2 (ii):

a maximum building depth of 23.12 m (75.85 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft).

BACKGROUND

Property Description

The 2,016.03 m² (21,700.40 ft²) subject property is located on the north side of Erlane Avenue, east of Main Street Markham North, west of Grandview Boulevard, and south of Highway 7 East. The property has an approximate frontage of 30.46 m (99.93 ft) and an approximate length of 66.77 m (219.06 ft). There is currently a one-storey detached dwelling on the property with two existing sheds in the rear yard. Mature trees and vegetation exist on the property, with the majority of the trees within the rear yard.

The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings to the south, east and west. The surrounding residential context is undergoing a transition with newer residential infill redevelopment. Mature vegetation is a predominant characteristic of the surrounding residential neighbourhood.

Commercial land uses are located to the north along Highway 7 East, and abut the rear of the subject property.

Proposal

The applicant is proposing to demolish the existing one-storey detached dwelling and sheds, to construct a new two-storey detached dwelling with both front and rear covered porches. The plans submitted in support of the variance application propose a first floor area of approximately 351.20 m² (3,780.31 ft²), a second floor area of 207.24 m² (2,230.70 ft²), for a total gross floor area of 558.44 m² (6,011.01 ft²).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and 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 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, and the width of proposed garages and driveways.

Zoning By-Law 1229, as amended

The subject property is zoned “Residential One (R1)” under By-law 1229, as amended, which permits one detached dwelling per lot.

Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this Infill 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, floor area ratio, height, and number of storeys. The proposed development does not comply with the Infill By-law requirement with respect to the maximum building depth.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a ZPR on January 15, 2021 to confirm the required variance 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 (“the Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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 Depth

The applicant is requesting a maximum building depth of 23.12 m (75.85 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of 6.32 m (20.73 ft).

The applicant is proposing a dwelling with an unenclosed front covered porch, and rear covered patio (including a below grade cold cellar beneath the patio). Both features are one-storey in height, and cumulatively add approximately 5.73 m (18.80 ft) to the overall building depth. Excluding the covered porch and patio, the main component of the proposed two-storey building has a depth of 17.39 m (57.05 ft), which is an increase of 0.59 m (1.94 ft) to the By-law requirement. Further, the increased depth of the two-storey dwelling is attributable to a small projection of the dwelling into the rear yard, oriented towards the centre of the lot.

Staff are of the opinion that the proposed development would not adversely impact neighbouring residential properties, and meets the general intent of the By-law. Staff have also considered the location of the site in context to the abutting commercial properties to the rear, and note that even with the proposed building depth, a sizeable rear yard setback

of 26.87 m (88.2 ft) will be maintained. Accordingly, staff have no objections to the proposed development.

Tree Protection & Compensation

As previously noted, the majority of the trees are located in the rear yard of the subject property, with the exception of two trees located in the front yard. The applicant is proposing a triple car garage which requires a larger driveway, and a rear covered porch. Therefore, the applicant proposes to remove one of the trees in the front yard, and a second tree in the rear yard as a result of these features. Each tree is identified in the Site Plan as having a diameter at breast height (DBH) of 50 cm (Appendix "B"). The applicant will need to apply for and obtain a tree permit to remove these trees, which will be further assessed through the City's Residential Infill Grading and Servicing application process.

In the event that tree removal is granted by Urban Forestry staff, Planning staff recommend that the Committee adopt the condition provided in Appendix "A" which would require the applicant to plant deciduous trees as replacement trees in the front yard of the property at the appropriate compensation rate required by the City. This will assist in integrating newer trees with the infill redevelopment, a natural characteristic of the neighbourhood.

Urban Forestry staff also confirm that a portion of the existing hedge is located on City property. Prior to any removals taking place, staff note that the applicant shall contact Urban Forestry staff and must be granted approval in order to remove the hedge.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 1, 2021. 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 objections. Staff recommend that the Committee consider public input in reaching a decision.

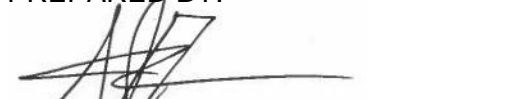
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances. Please see Appendix "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



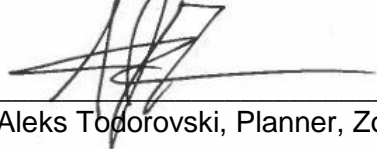
Stephen Carr, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/011/21

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.
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. This assessment and preservation plan is to be reviewed and approved by the City, and the Secretary-Treasurer shall receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction. In addition, any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval, shall reflect the Tree Assessment and Preservation Plan to the satisfaction of the Tree Preservation Technician or Director of Operations.
4. That if any tree replacements are to be provided, they are to be deciduous replacements planted in the front yard of the subject property, and, or, if any tree replacement fees are required, they are to be paid to the City in accordance with the Tree Assessment and Preservation Plan. The Secretary-Treasurer shall receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations.
5. 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 Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

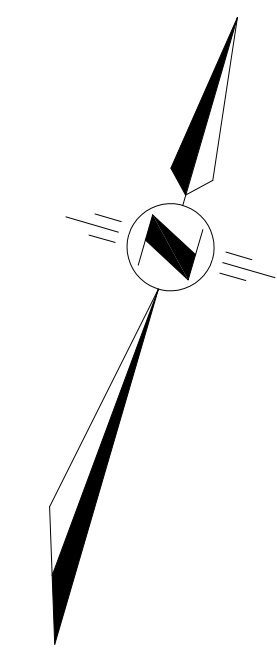
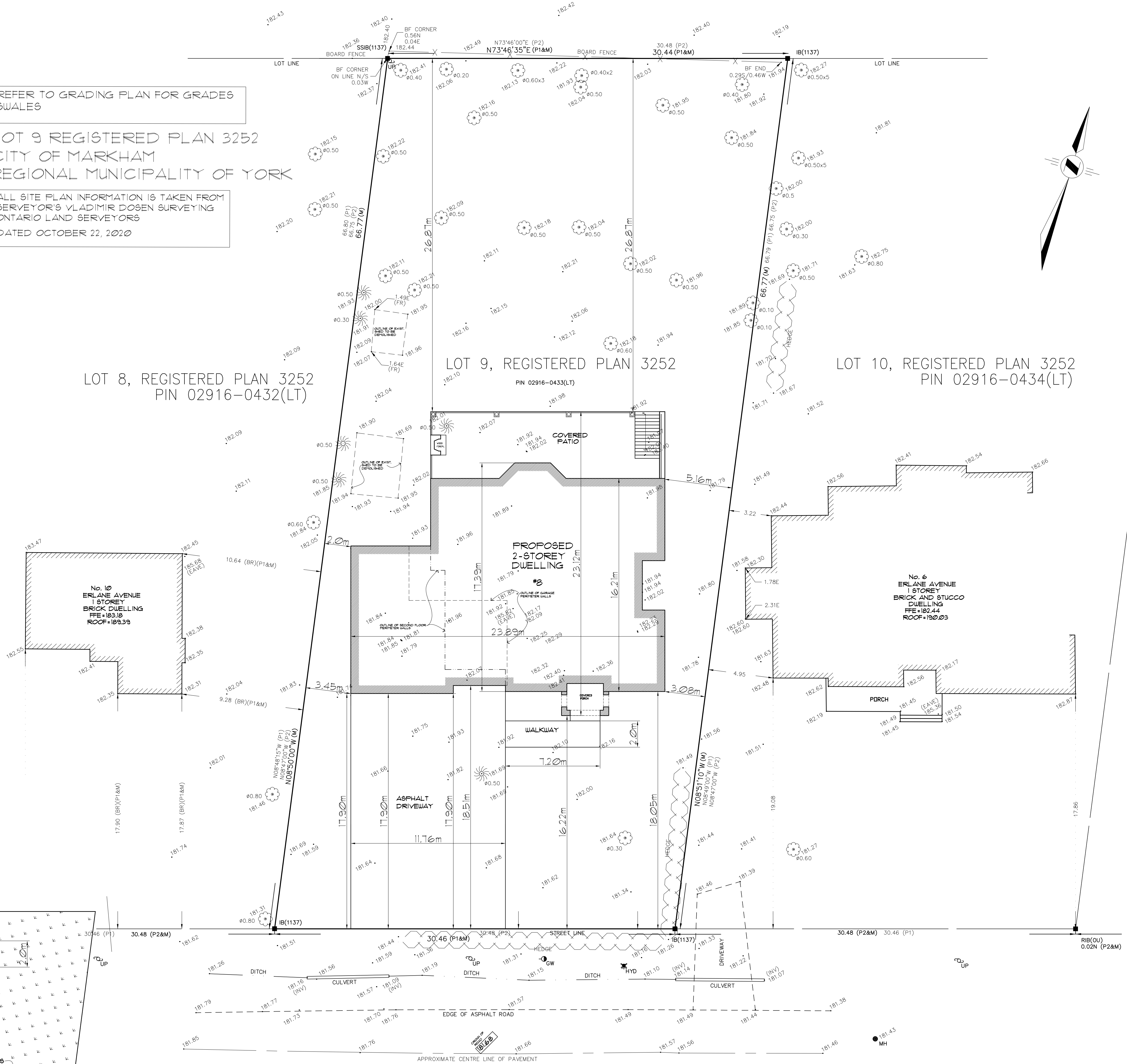
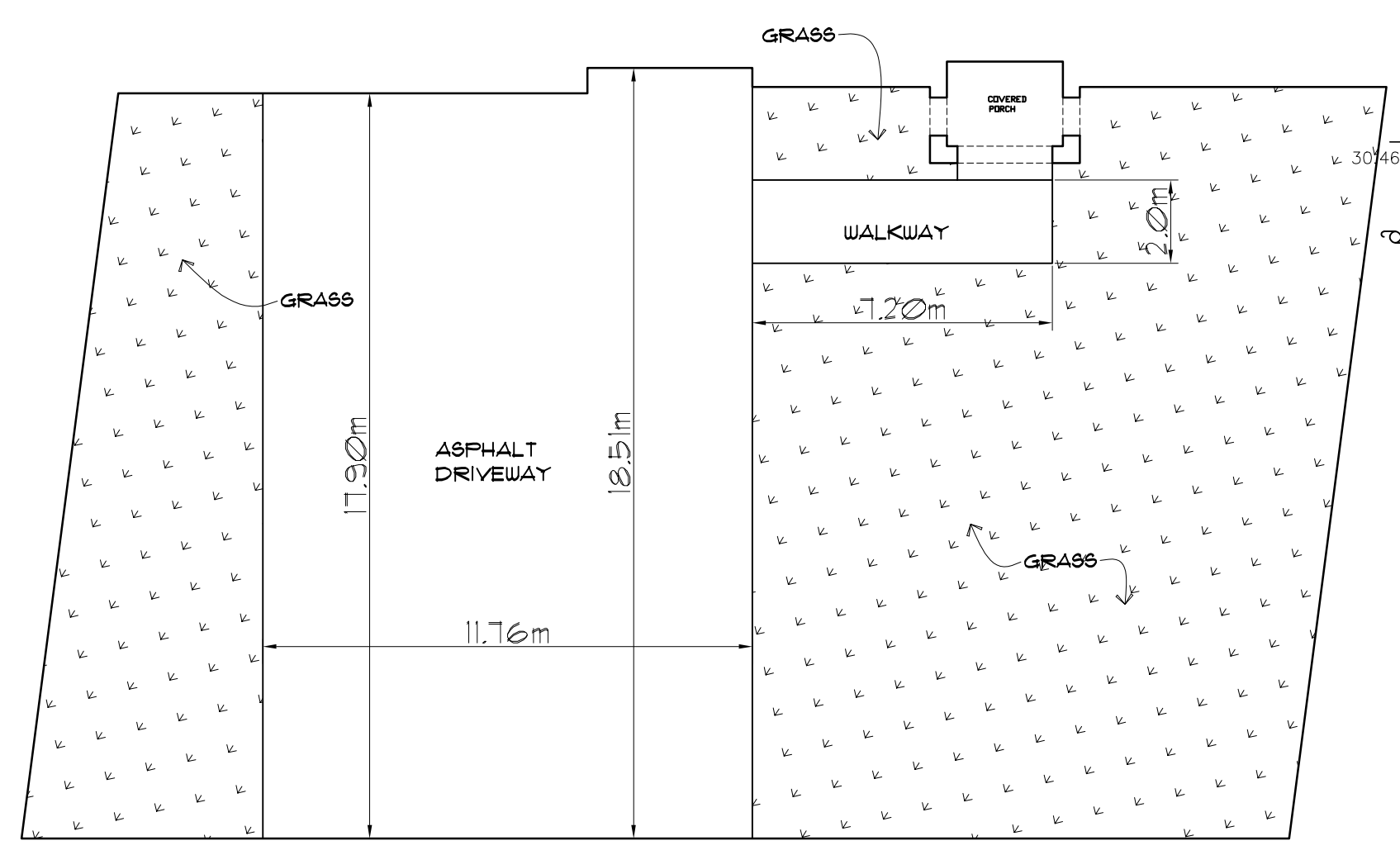
APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/011/21

8 ERLANE AVENUE
 LOT AREA = 2,016.03 sq.m (21,700.4 sq.ft.)
 LOT COVERAGE (CALCS) MAX 35%
 - DWELLING (incl. GARAGE) = 3,788.56 sq.ft. (351.97sq.m)
 - COVERED FRONT PORCH = 89.1 sq.ft. (8.28 sq.m)
 - COVERED REAR PATIO = 924.91 sq.ft. (85.93 sq.m)
 TOTAL = 4,802.57 sq.ft. (446.17 sq.m)
 PROVIDED 22.13%

NET FLOOR AREA - 14,150.20 sq.ft.
 MAX FLOOR AREA RATIO -45%
 - FIRST FLOOR AREA (incl. garage) = 3,780.31 sq.ft. excludes open to below (first floor) (8.25 sq.ft.)
 - SECOND FLOOR AREA = 2,230.7 sq.ft. excludes STAIRS (second floor) (649.6 sq.ft.)
 TOTAL = 6,011.01 sq.ft.(558.44 sq.m)
 PROVIDED 42.48 %
 - FIN. BASEMENT AREA = 2,193.70 sq.ft.

FRONT YARD AREA: - 551.39 sq.m
 FRONT PORCH AREA = 8.28 sq.m
 WALKWAY & STAIRS = 15.34sq.m.
 DRIVEWAY = 212.94 sq.m
 TOTAL (HARD) = 236.6 sq.m @ 42.91%
 TOTAL (SOFT) = 314.83 sq.m @ 57.09%

REFER TO GRADING PLAN FOR GRADES SWALES
 LOT 9 REGISTERED PLAN 3252
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 ALL SITE PLAN INFORMATION IS TAKEN FROM SURVEYOR'S VLADIMIR DOSEN SURVEYING ONTARIO LAND SURVEYORS
 DATED OCTOBER 22, 2020



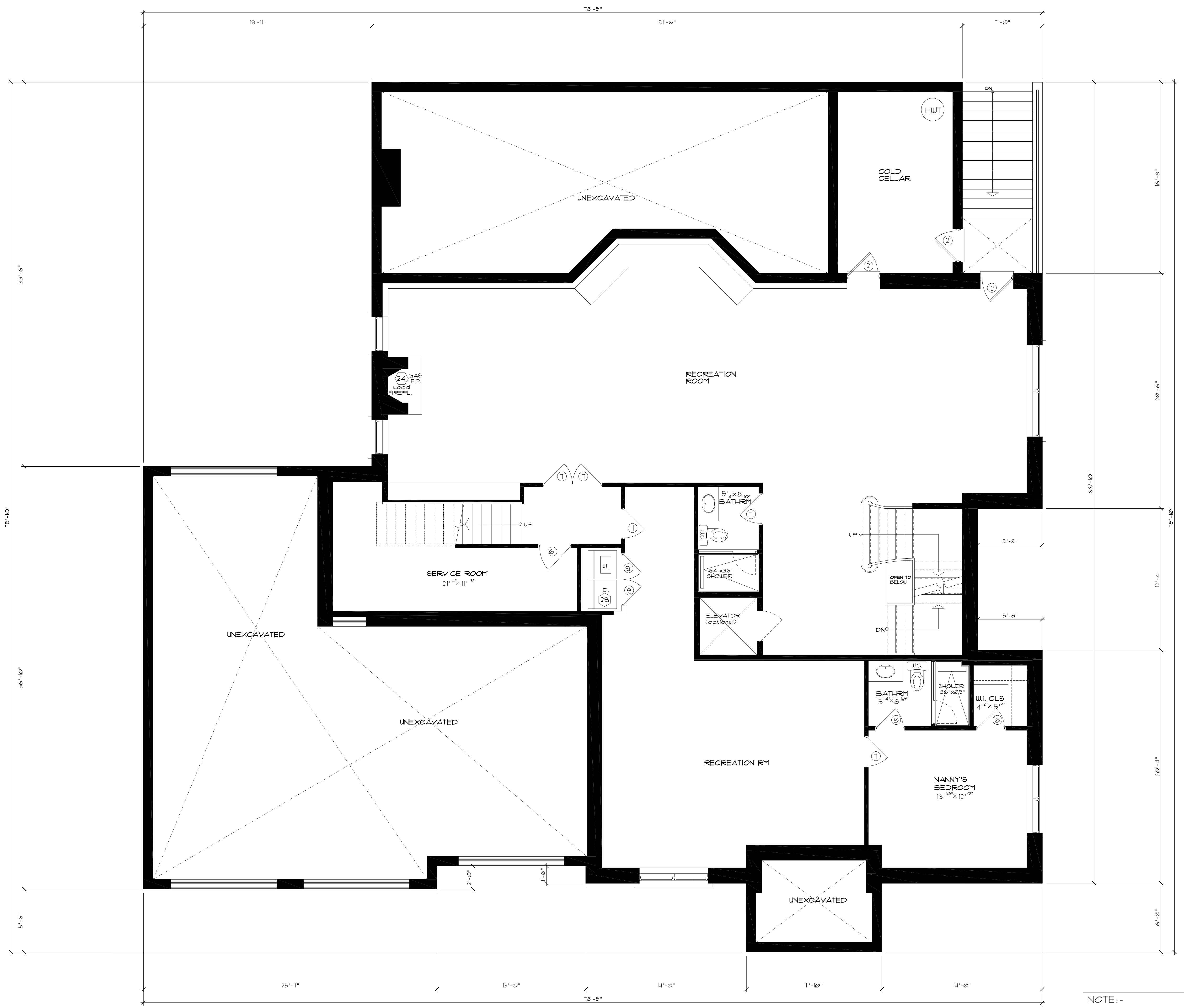
NO.	ISSUED FOR ZONING CERTIFICATE	DATE
1	ISSUED FOR ZONING CERTIFICATE	DEC. 26, 2020
2	ISSUED FOR C.O.A APPROVAL	JAN. 21, 2021

ALL DRAWINGS ARE THE PROPERTY OF THE ENGINEER AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE ENGINEER. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE ENGINEER. DO NOT SCALE DRAWINGS.

PROPOSED 2- STOREY DWELLING WITH FRONT PORCH AND REAR CANOPY FOR-
DANESI RESIDENCE
 AT
 8 ERLANE AVENUE
 MARKHAM , ONTARIO

SITE PLAN

DRAWN BY: S.H.	CHECKED BY:	SHEET S.P.
DATE DEC. 2020	SCALE 1:200	FILE



BASEMENT FLOOR PLAN

NOTE: -
 BASEMENT TO BE USED AS
 PART OF A SINGLE FAMILY DWELLING
 ONLY AND NOT AS A SECOND SUITE

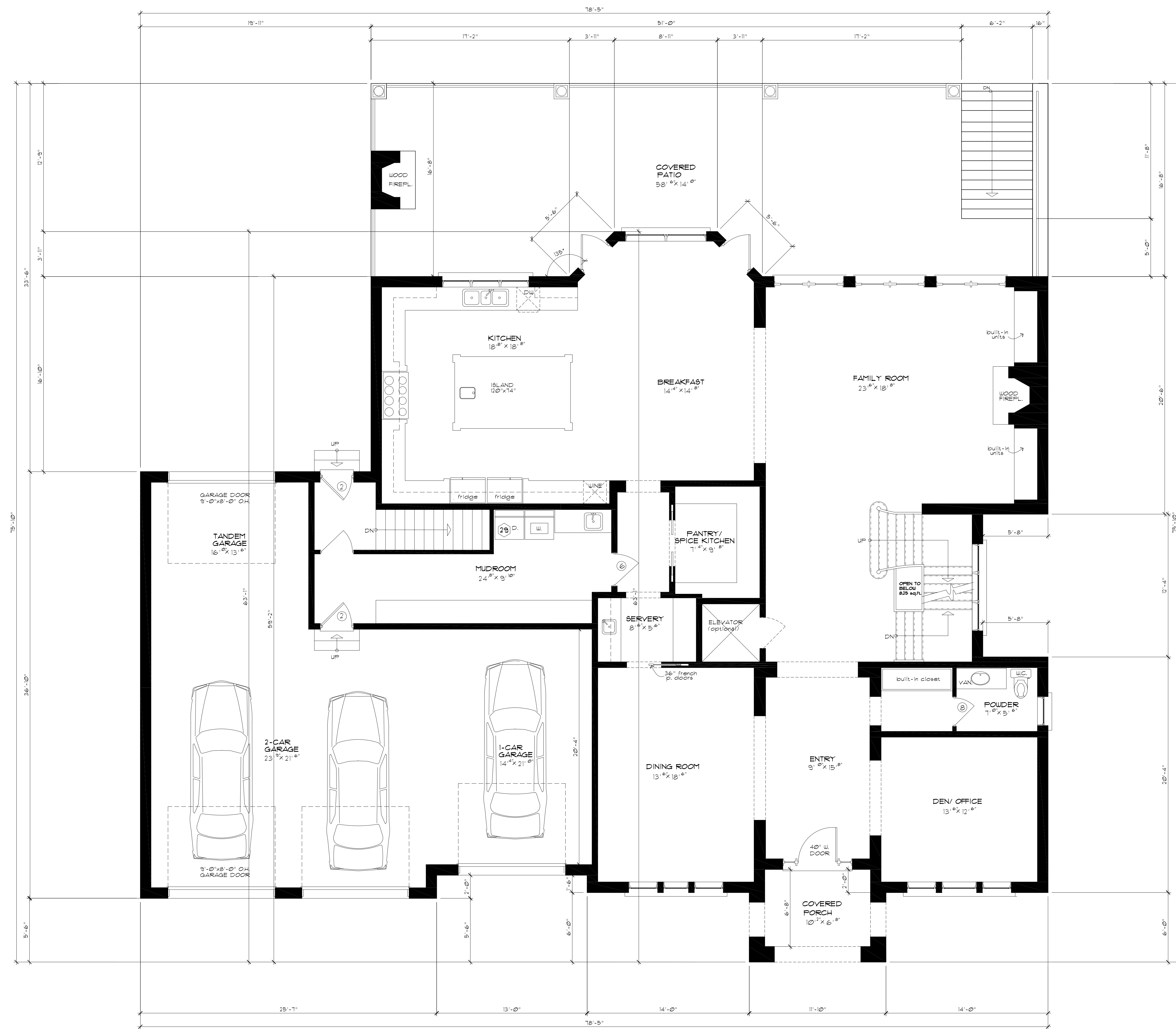
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BASEMENT FLOOR PLAN

DRAWN BY:	CHECKED BY:	SHEET
S.H.		A-1
DATE	SCALE	FILE
DEC. 2020	1/4" = 1'-0"	



FIRST FLOOR PLAN

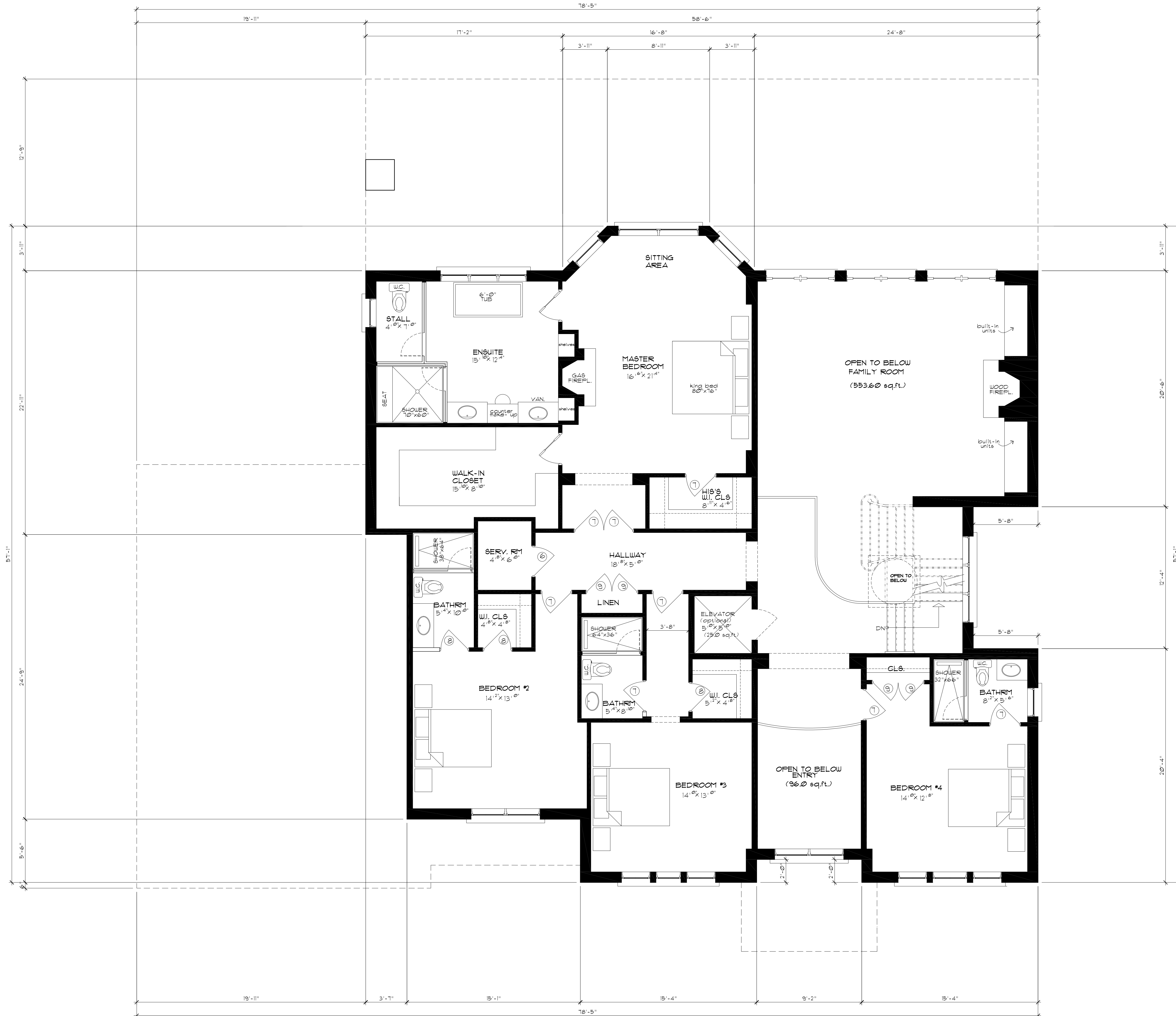
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FIRST FLOOR PLAN

DRAWN BY: S.H.	CHECKED BY:	SHEET A-2
DATE DEC. 2020	SCALE 1/4" = 1'-0"	FILE



SECOND FLOOR PLAN

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SECOND FLOOR PLAN

DRAWN BY: S.H.	CHECKED BY:	SHEET A-3
DATE DEC. 2020	SCALE 1/4" = 1'-0"	FILE

8 ERLANE AVENUE

LOT AREA = 2,016.03 sq.m (21,700.4 sq.ft.)

LOT COVERAGE (CALCS) MAX 35%

- DWELLING (incl. GARAGE) = 3,788.56 sq.ft. (351.97sq.m)
- COVERED FRONT PORCH = 89.1 sq.ft. (8.28 sq.m)
- COVERED REAR PATIO = 924.91 sq.ft. (85.93 sq.m)

TOTAL = 4,802.57 sq.ft. (446.17 sq.m)

PROVIDED 22.13%

NET FLOOR AREA - 14,150.20 sq.ft

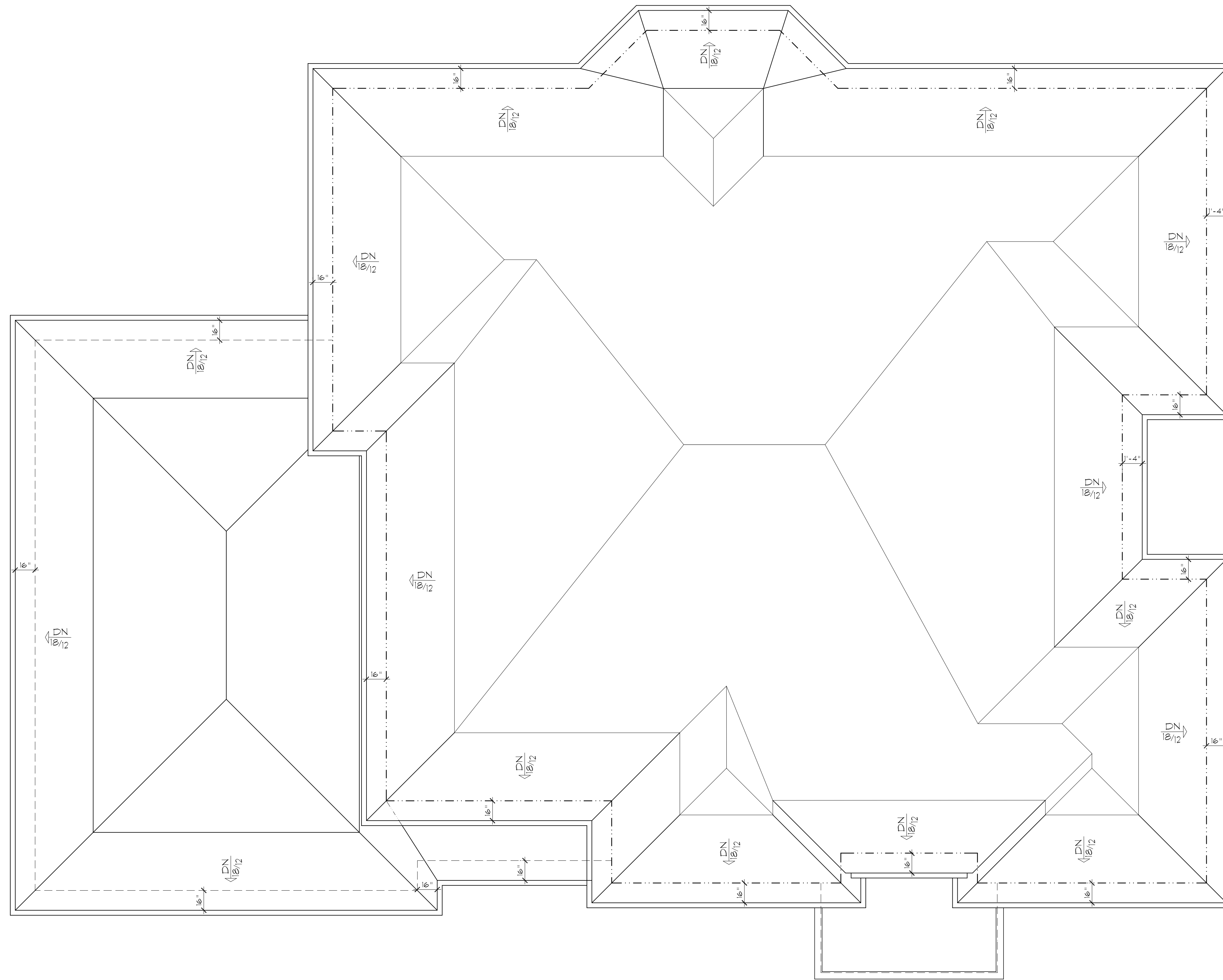
MAX FLOOR AREA RATIO - 45%

- FIRST FLOOR AREA (incl. garage) = 3,780.31 sq.ft. excludes open to below (first floor) (8.25 sq.ft.)
- SECOND FLOOR AREA = 2,230.7 sq.ft. excludes STAIRS (second floor) (649.6 sq.ft.)

TOTAL = 6,011.01 sq.ft.(558.44 sq.m)

PROVIDED 42.48 %

- FIN. BASEMENT AREA = 2,193.70 sq.ft.



ROOF PLAN

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PROPOSED 2 - STOREY DWELLING WITH FRONT PORCH AND REAR CANOPY FOR:-

**DANESI RESIDENCE
 AT
 8 ERLANE AVENUE
 MARKHAM, ONTARIO**

ROOF PLAN

DRAWN BY: S.H.	CHECKED BY:	SHEET A-4
DATE DEC. 2020	SCALE 1/4" = 1'-0"	FILE



FRONT ELEVATION



REAR ELEVATION

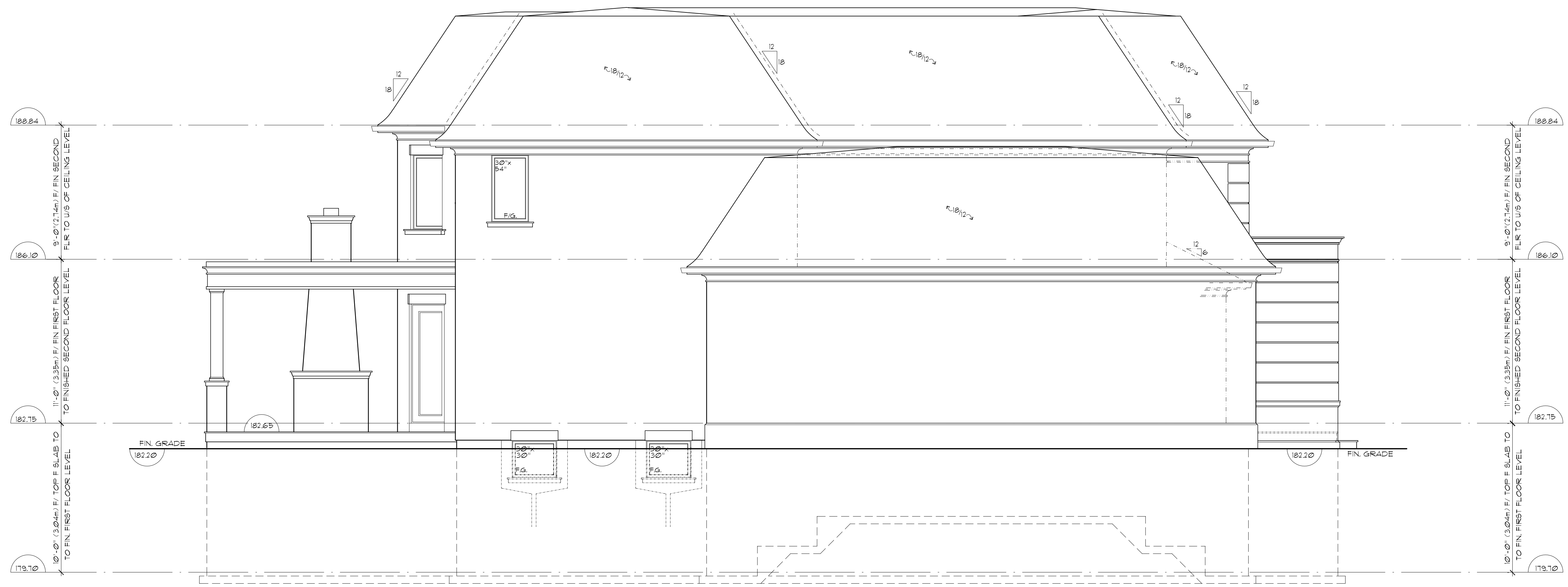
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FRONT & REAR ELEVATIONS

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DATE DEC. 2020	SCALE 1/4" = 1'-0"	FILE



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION

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LEFT & RIGHT SIDE ELEVATIONS

DRAWN BY: S.H.	CHECKED BY:	SHEET A-6
DATE DEC. 2020	SCALE 1/4" = 1'-0"	FILE