

Memorandum to the City of Markham Committee of Adjustment

April 12, 2021

File: A/020/21
Address: 29 Jeremy Drive – Markham, ON
Applicant: Xili Yang
Agent: H.T. Design & Homes
Hearing Date: April 21, 2021

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

The applicant is requesting relief from the following “Fourth Density Single Family Residential (R4)” zone requirements of By-law 11-72, as amended, as they relate to a new two-storey single detached dwelling. The variances requested are to permit:

a) Section 6.1:

a maximum height of 27.0 ft (8.23 m), whereas the By-law permits a maximum height of 25.0 ft (7.62 m); and

b) Section 6.1:

a maximum lot coverage of 34.50%, whereas the By-law permits a maximum lot coverage of 33.33%.

BACKGROUND

Property Description

The 917.84 m² (9,879.52 ft²) subject property is located on the north side of Jeremy Drive, east of Village Parkway, and south of Carlton Road. The property is developed with a one-storey detached dwelling, with mature trees and vegetation that exist within the front, rear and side yards. There is also an existing shed located in the rear yard, and a 4.57 m (15.0 ft) wide easement for overhead wires located along the rear lot line of the subject property. The property is located within an established residential neighbourhood, which contains a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

Proposal

The applicant is proposing to demolish the existing one-storey detached dwelling and remove the shed, to construct a new two-storey detached dwelling with an attached three-car garage, front covered porch, and rear yard basement walkout and deck. A circular driveway is also proposed to provide vehicular access to the site. The dwelling would have a ground floor area of 244.84 m² (2,635.44 ft²), and a second floor area of 293.60 m² (3,160.28 ft²) for a total gross floor area of 538.44 m² (5,795.72 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 the retention of existing trees and vegetation, and the width of proposed garages and driveways within a residential neighbourhood.

Zoning By-Law 11-72

The subject property is zoned "Fourth Density Single Family Residential (R4)" under By-law 11-72, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirements with respect to the maximum building height and maximum lot coverage.

Varley Village Infill Area

The subject property is within an area of the City where there is a trend to build larger houses. In response to concerns within this trend, a number of residents asked that Markham consider a residential infill by-law for the Varley Village neighbourhood. The Unionville Sub-Committee, a Committee of Council, undertook a review of this issue with community consultation, and ultimately recommended that no action be taken on an infill by-law at that time. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing By-law standards continue to apply.

Zoning Preliminary Review (ZPR) Undertaken

The applicant submitted an incomplete ZPR which confirmed some of the variances required for the proposed development, including increases to the maximum height, and maximum lot coverage. It is the applicant'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 requests in this application contains errors, or if the need for additional variances is identified at the building permit stage, further variance application(s) may be required to address any non-compliances.

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 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.

Circular Driveways

Operations staff provided comments as it relates to the proposed design of the circular driveway and driveway widths. The applicant will be required to address and comply with the City's requirements for a circular driveway at the building permit stage.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 27.0 ft (8.23 m), whereas the By-law permits a maximum building height of 25.0 ft (7.62 m). This is an increase of 2.0 ft (0.61 m).

Newer infill developments within the surrounding area vary in height, and include a mix of one and two-storey dwellings. The applicant is proposing a two-storey dwelling with a

height that is generally consistent with other infill developments in the surrounding area. Staff are of the opinion that the requested variance is a minimal increase, and would not adversely impact adjacent properties. Accordingly, staff have no objections.

Increase in Maximum Lot Coverage

The applicant is requesting a maximum lot coverage of 34.50%, whereas the By-law permits a maximum lot coverage of 33.33%. The proposed lot coverage includes the front covered porch which adds approximately 8.95 m² (96.34 ft²) to the overall building area. Excluding the front covered porch, the proposed dwelling has a lot coverage of 33.53%, which is generally consistent with what the By-law permits.

Given the front covered porch is unenclosed, staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling, and do not object to the requested variance.

Tree Protection and Compensation

Operations staff have reviewed the application and have requested a tree assessment and preservation plan be submitted, as impacts to trees are expected. According to the Site Plan submitted by the applicant, a total of four trees exist within the front yard, two trees within the rear yard of the subject property, and, two trees exist within the City's municipal boulevard.

Staff recommend that the applicant provide an arborist report and tree assessment and preservation plan as a condition of approval to ensure the appropriate protection and compensation of trees is provided (see Appendix "A"). Staff note that the applicant is required to apply for a tree permit from the City for any impact such as the proposed injury or removal of any trees located on the subject property, neighbouring properties or within the municipal street allowance. Further mitigation and changes as it relates to the design of the circular driveway may also be required as part of the Residential Infill Grading and Servicing process to ensure the protection of certain trees located on City property.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 12, 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 requested variances meet the four tests of the *Planning Act*. 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

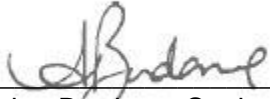
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



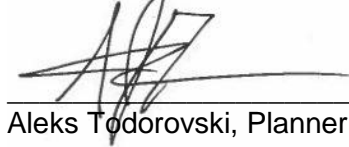
Sabrina Bordone, Senior Planner, Central District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/020/21

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 an Arborist Report and 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 Tree Preservation Technician, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician 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 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 receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, 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.

CONDITIONS PREPARED BY:



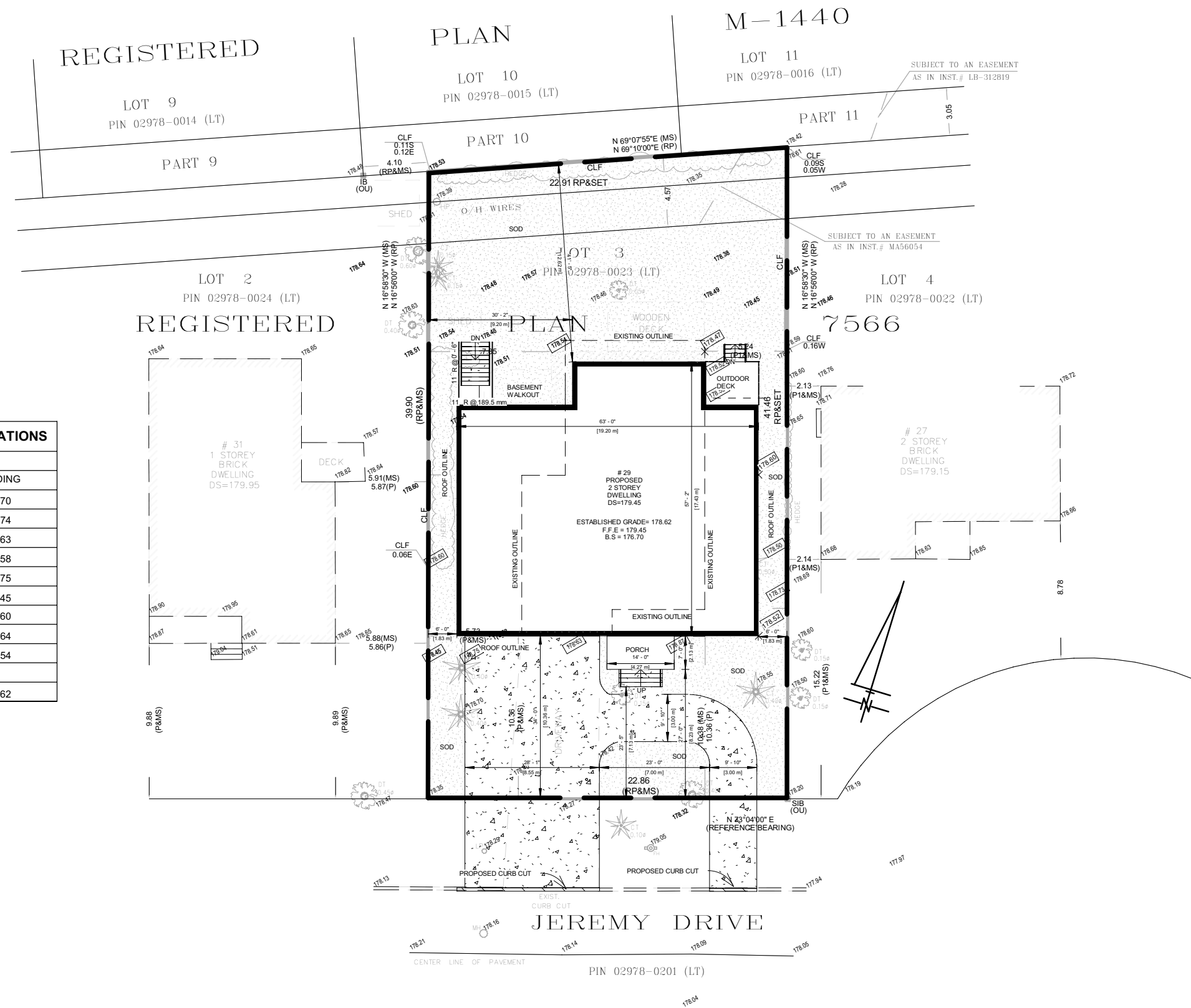
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/020/21

Appendix B

File: 21.108245.000.00.MNV

Date: 04/15/21
MM/DD/YY



ESTABLISHED GRADE CALCULATIONS	
GRADE POINTS AROUND PROPOSED BUILDING	
178.47	178.70
178.52	178.74
178.53	178.63
178.50	178.58
178.73	178.75
178.52	178.45
178.75	178.60
178.87	178.64
178.54	178.54
AVERAGE GRADE	178.62

SITE STATISTICS		
PROPERTY INFORMATION: 29 JEREMY DR, UNIONVILLE, ON, L3R 2K7		
	PROPOSED NO. 29	
LAND AREA	9879.52 SF	917.84 SM
LOT COVERAGE	3408.61 SF (34.50%)	316.67 SM (34.50%)
BASEMENT AREA	2750.61 SF	255.54 SM
MAIN FLOOR AREA	2635.44 SF	244.84 SM
SECOND FLOOR AREA	3160.28 SF	293.60 SM
TOTAL GFA	5795.72 SF	538.44 SM
BUILDING LENGTH	57.20 FT	17.43 M
BUILDING HEIGHT	27.00 FT	8.23 M
TOTAL FRONT YARD AREA	2549.43 SF	236.85 SM
SETBACK, FRONT YARD (WEST)	34 FT	10.36 M
SETBACK, REAR YARD (EAST)	41.50 FT	12.65 M
SET BACK, SIDE YARD (NORTH)	6.0 FT	1.83 M
SET BACK, SIDE YARD (SOUTH)	6.0 FT	1.83 M
DRIVE WAY AREA	1369.81 SF	127.26 SM
TOTAL FRONT YARD LANDSCAPING	1046.58 SF	97.23 SM (41%)

A1 SITE PLAN
1 : 300

THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND MUST NOTIFY THE DESIGNER/ ENGINEER OF ANY VARIATION FROM THE SUPPLIED INFORMATION.

THIS DRAWING IS NOT TO BE SCALED.

CONSTRUCTION MUST CONFIRM TO ALL APPLICABLE CODES AND REQUIREMENT OF AUTHORITIES HAVING JURISDICTION.

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CONTRACTOR SHALL CHECK DIMENSIONS

REVISIONS:				
NO.	DATE	DESCRIPTION	BY	
1	Oct. 23	Increased area for ground and second floor, Adopted or demolished some existing wall and create new wall Changed window location Front facade changed	Luna	
1	Nov. 04	Basement planning Area Calculation	Luna	



Skyone

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29 JEREMY DR,
UNIONVILLE, ON,
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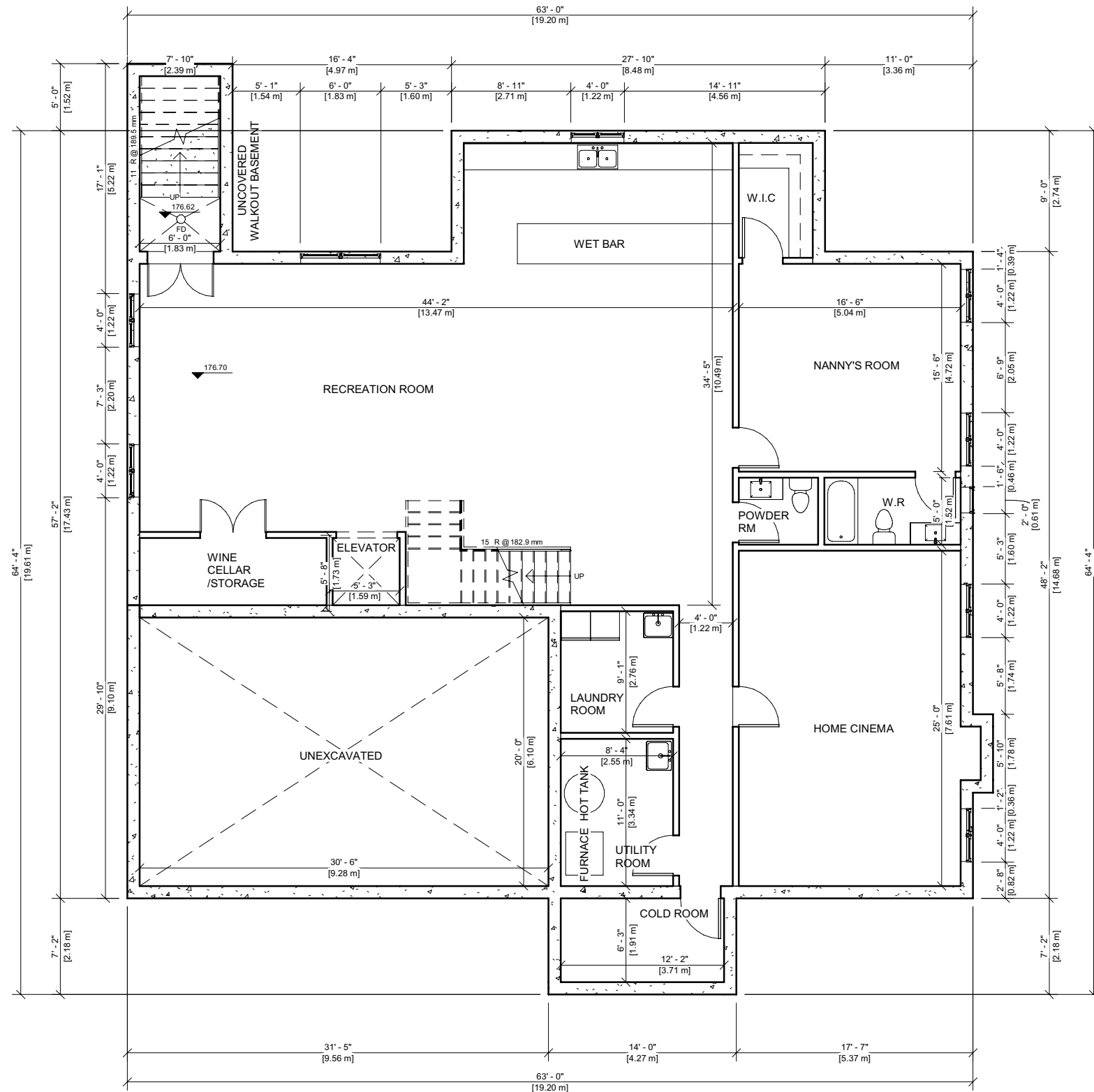
PROJECT NUMBER: **Project Number**
DATE: **JAN 12, 2021**
SCALE: **1 : 300**
DRAWN BY: **LUNA**
CHECKED BY: **Checker**

DRAWING NAME: **SITE PLAN**
SHEET NUMBER: **A1**

Appendix B

File: 21.108245.000.00.MNV

Date: 04/15/21
MM/DD/YY



A2 BASEMENT FLOOR PLAN
1" = 10'-0"

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EXISTING 1 STOREY
BRICK DWELLING

29 JEREMY DR,
UNIONVILLE, ON,
L3R 2K7

PROJECT NUMBER: **Project Number**

DATE: **JAN 12, 2021**

SCALE: **1" = 10'-0"**

DRAWN BY: **LUNA**

CHECKED BY: **Checker**

DRAWING NAME:

BASEMENT FLOOR PLAN

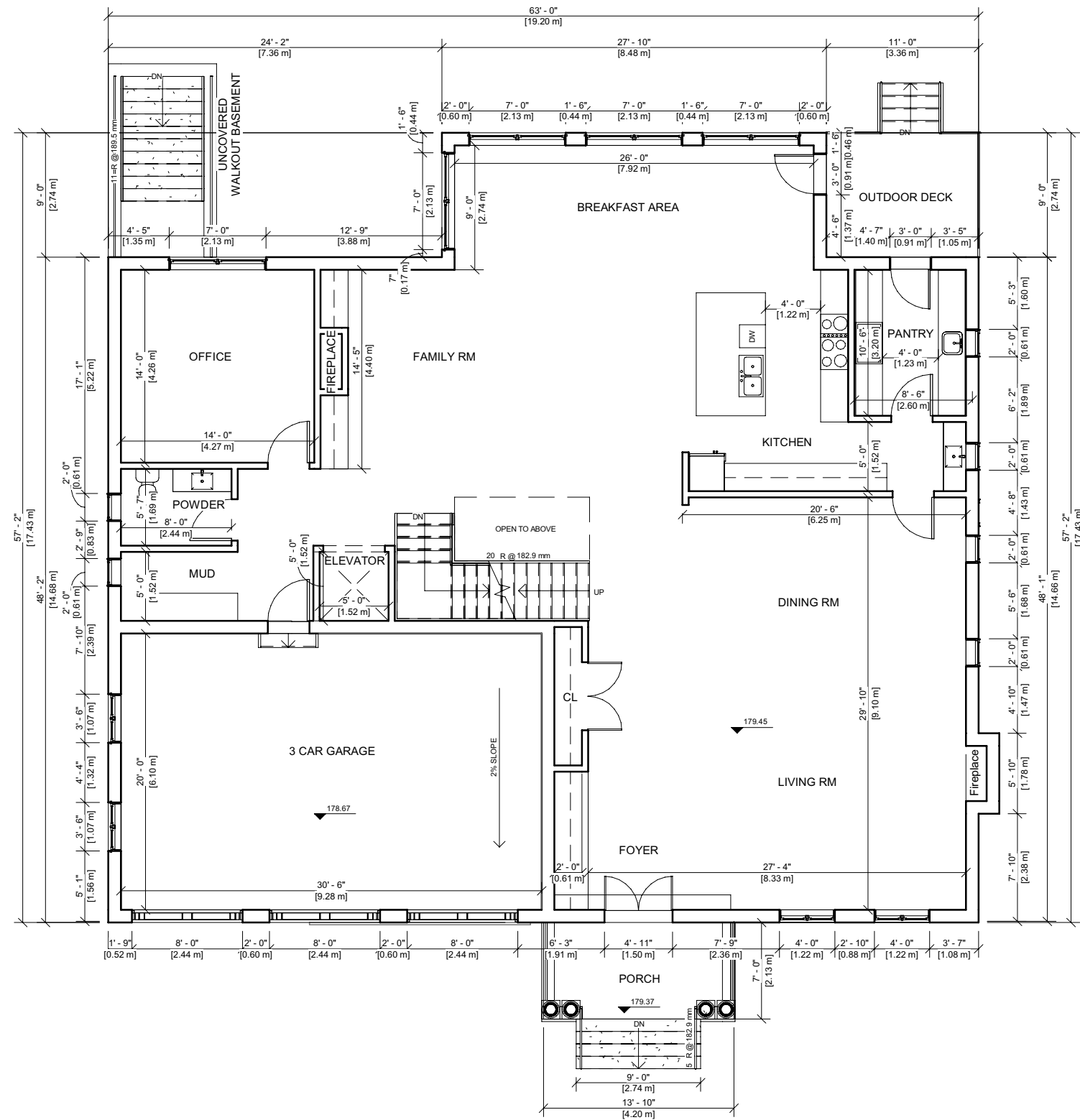
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A2

Appendix B

File: 21.108245.000.00.MNV

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A3 GROUND FLOOR PLAN
1" = 10'-0"

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SCALE:	1" = 10'-0"
DRAWN BY:	LUNA
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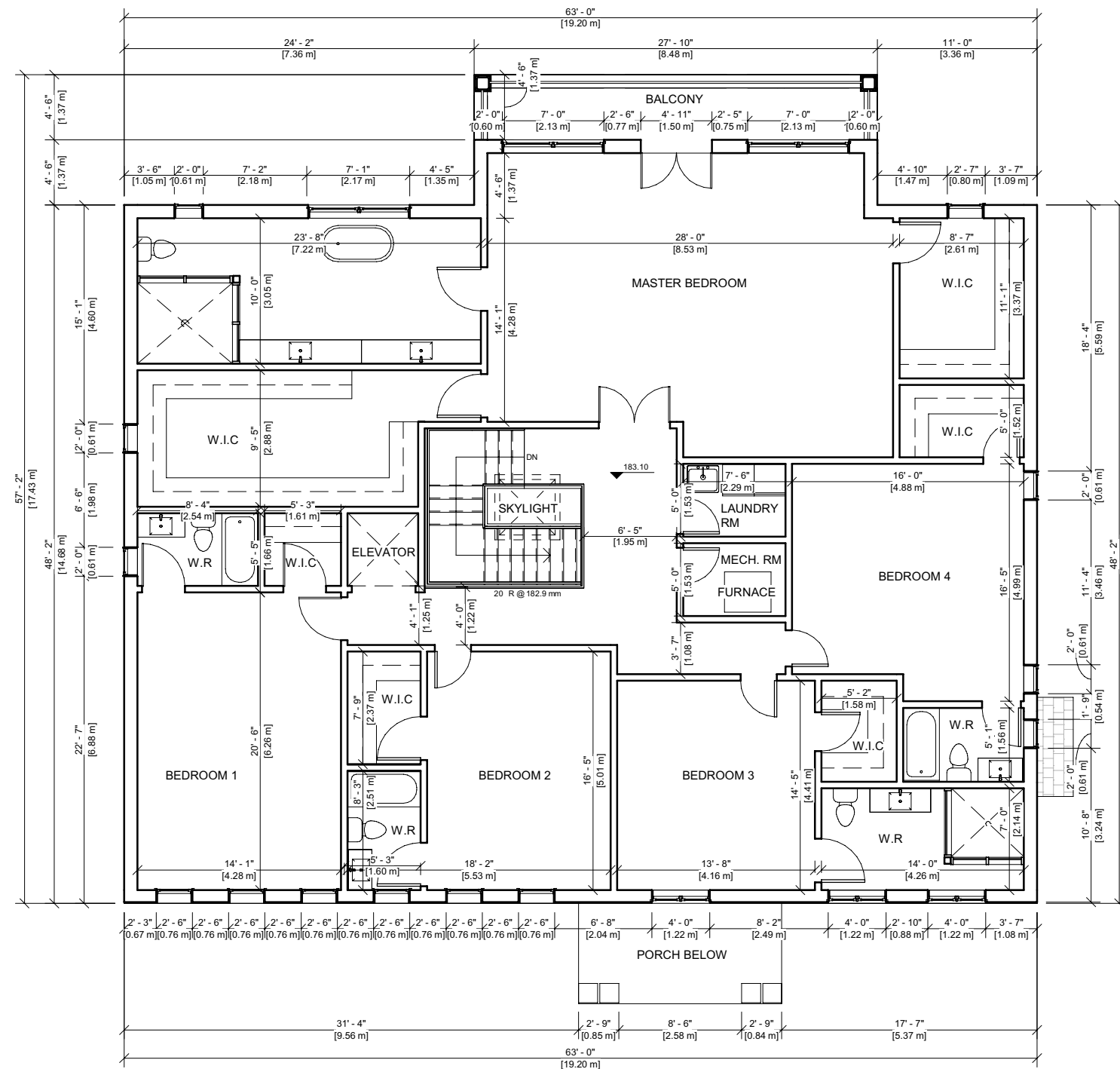
DRAWING NAME:
GROUND FLOOR PLAN

SHEET NUMBER:
A3

Appendix B

File: 21.108245.000.00.MNV

Date: 04/15/21
MM/DD/YY



A4 SECOND FLOOR PLAN
1" = 10'-0"

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PROJECT NUMBER:
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DATE:
JAN 12, 2021

SCALE:
1" = 10'-0"

DRAWN BY:
LUNA

CHECKED BY:
Checker

DRAWING NAME:

SECOND FLOOR PLAN

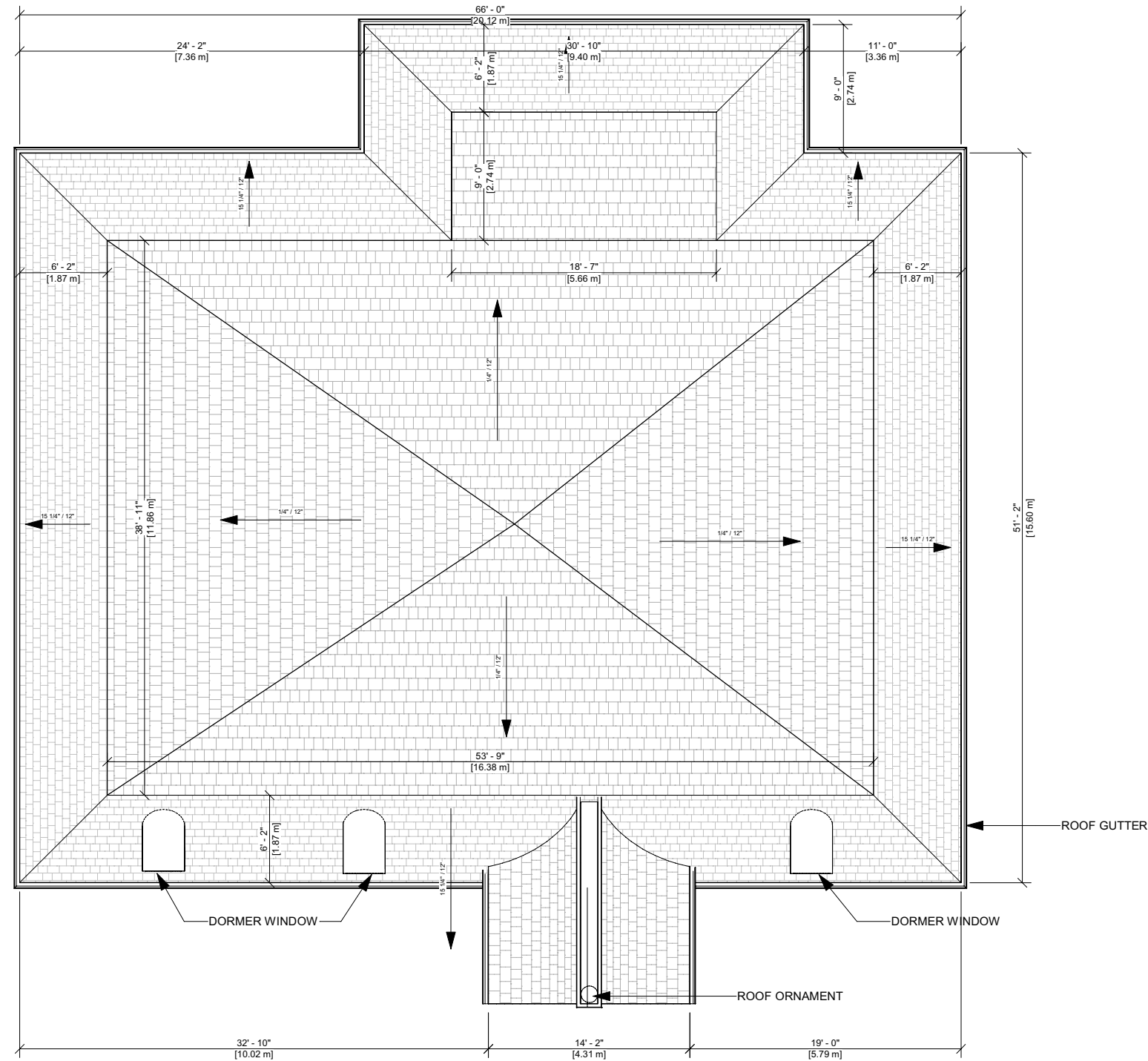
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A4

Appendix B

File: 21.108245.000.00.MNV

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A5 ROOF PLAN
1" = 10'-0"

ROOF AREA CHART	
ROOF SHAPE	MANSARD ROOF
TOTAL AREA	338 S.M. (3638.2 S.F)
FLAT AREA	200 S.M. (2152.8 S.F)
% OF FLAT PORTION	59%

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SCALE:
1" = 10'-0"

DRAWN BY:
LUNA

CHECKED BY:
Checker

DRAWING NAME:

ROOF PLAN

SHEET NUMBER:

A5

Appendix B

File: 21.108245.000.00.MNV

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A6 SOUTH (FRONT) ELEVATION
1" = 10'-0"

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DRAWING NAME:	SOUTH (FRONT) ELEVATION
SHEET NUMBER:	A6

Appendix B

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A7 NORTH ELEVATION
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SCALE:
1" = 10'-0"

DRAWN BY:
LUNA

CHECKED BY:
Checker

DRAWING NAME:

NORTH ELEVATION

SHEET NUMBER:

A7

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A8 EAST ELEVATION
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1" = 10'-0"

DRAWN BY:
LUNA

CHECKED BY:
Checker

DRAWING NAME:

EAST ELEVATION

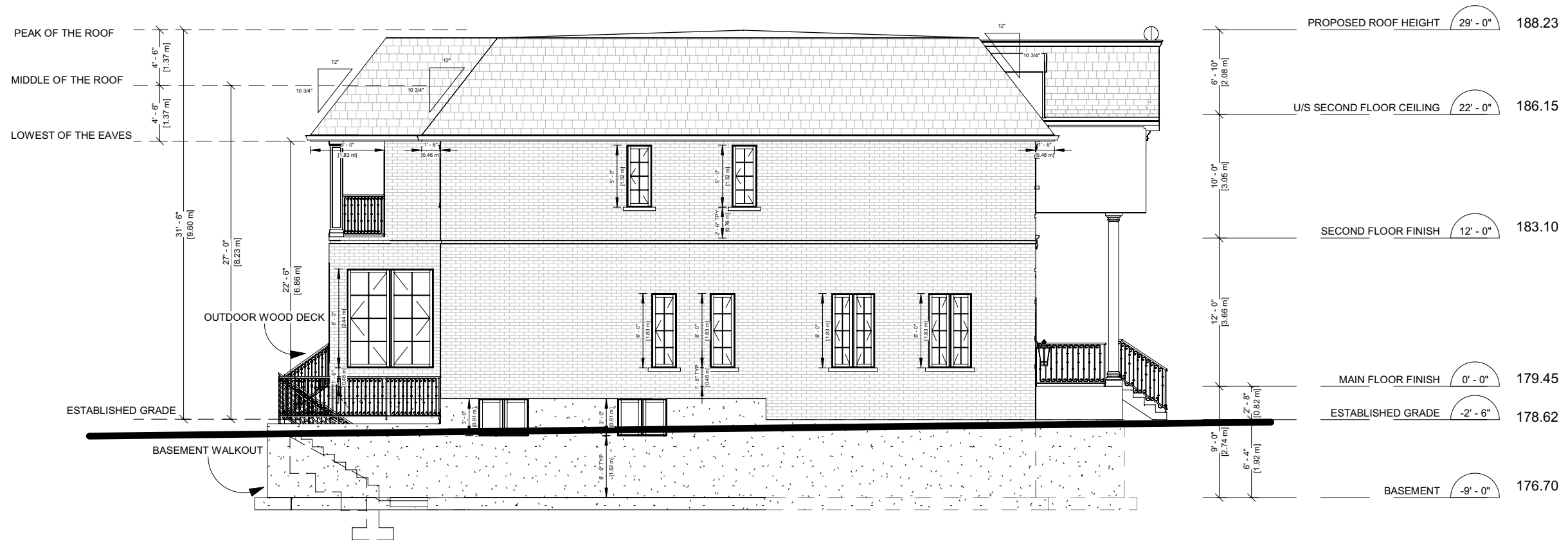
SHEET NUMBER:

A8

Appendix B

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MM/DD/YY



A9 WEST ELEVATION 1" = 10'-0"

THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND MUST NOTIFY THE DESIGNER/ ENGINEER OF ANY VARIATION FROM THE SUPPLIED INFORMATION.

THIS DRAWING IS NOT TO BE SCALED.

CONSTRUCTION MUST CONFIRM TO ALL APPLICABLE CODES AND REQUIREMENT OF AUTHORITIES HAVING JURISDICTION.

THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, MECHANICAL, ELECTRICAL, ETC., INFORMATION SHOWN ON THESE PLANS. REFER TO THE APPROPRIATE CONSULTANT'S DRAWINGS BEFORE PROCEEDING WITH THE WORK.

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CONTRACTOR SHALL CHECK DIMENSIONS

REVISIONS:

NO.	DATE	DESCRIPTION	BY
1	Oct. 23	Increased area for ground and second floor, Adopted or demolished some existing wall and create new wall Changed window location Front facade changed	Luna
1	Nov. 04	Basement planning Area Calculation	Luna



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EXISTING 1 STOREY
BRICK DWELLING

29 JEREMY DR,
UNIONVILLE, ON,
L3R 2K7

PROJECT NUMBER:
Project Number

DATE:
JAN 12, 2021

SCALE:
1" = 10'-0"

DRAWN BY:
LUNA

CHECKED BY:
Checker

DRAWING NAME:

WEST ELEVATION

SHEET NUMBER:

A9