

Memorandum to the City of Markham Committee of Adjustment

January 25, 2019

File: A/04/19
Address: 32 Shady Lane Cres, Thornhill
Applicant: Simon Drosi
Agent: (none)
Hearing Date: Wednesday February 06, 2019

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

The applicant is requesting relief from the following requirements of By-law 2150, R4A, as amended:

a) Section 6.1:

a minimum west side yard setback of 4-4' feet and a minimum east side yard setback of 4'-5' feet, whereas the By-law requires a minimum side yard setback of 6 feet on both sides;

b) Section 6.1:

a maximum building height of 25'-2' feet, whereas the By-law permits a maximum building height of 25 feet;

as they relate to a proposed addition to a residential dwelling.

BACKGROUND

Property Description

The 742.85 m² (7,996 ft²) subject property is located on the north side of Shady Lane Crescent, west of Bayview Avenue and north of John Street. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing one-storey detached 141.12 m² (1,519 ft²) dwelling on the property, which according to assessment records was constructed in 1966. Mature vegetation exists on the property including one large mature tree in the front yard.

Proposal

The applicant is proposing to construct a second-storey addition to the front of the existing one-storey back-split dwelling. The proposal also includes a three car garage which has the appearance of a two-car garage from the street but can accommodate a third vehicle parking in tandem.

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. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 2150

The subject property is zoned "Fourth Density Single Family Residential Dwellings (R4A)" in By-law 2150, as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to minimum side yard setback and maximum building height.

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, *"I want to maintain the same line of building with out any set backs or breaks in the exterior finishes"*.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on November 20, 2019 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.

Reduced Side Yard Setback

The applicant is requesting a minimum west side yard setback of 4'-4" (1.32 m) and minimum east side yard setback of 4'-5" (1.35 m), for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.83 m) for the two-storey portion of the dwelling. This represents a difference of approximately 0.09 ft (0.03 m) or, approximately 2 percent. The requested variance applies to the two-storey portion of the building and the main floor complies with the minimum side yard setback requirement. Engineering staff have reviewed the application and have no concern with the variance respecting drainage.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 7.66 m (25'-2"), whereas the By-law permits a maximum building height of 7.62 m (25'). This represents an increase of approximately 0.05 m (2") or, approximately 0.7 percent.

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 0.4 m (1.31 ft) above the crown of road. Staff are of the opinion that the variance for maximum building height is minor in nature.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 25, 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:



David Miller, Development Manager, West District

File Path: Amanda\File\ 19 110061 \Documents\District Team Comments Memo

APPENDIX "A"

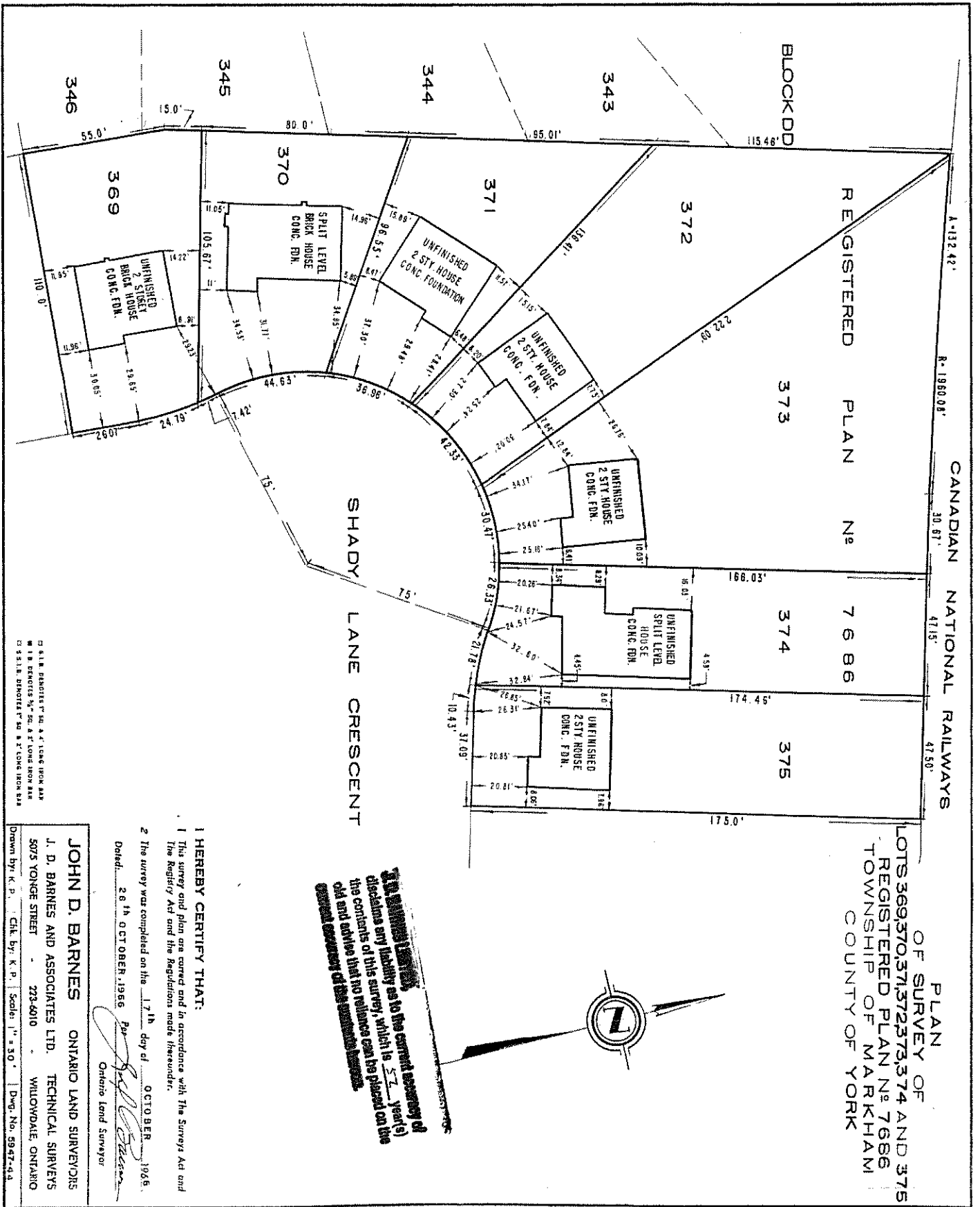
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/04/19

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 received by the City of Markham on January 15, January 22 and January 23, 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.
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 Tree Preservation Technician or Director of Operations 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 Tree Preservation Technician or Director of Operations.
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 Tree Preservation Technician or Director of Operations

CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects



PLAN
OF SURVEY OF
LOTS 369, 370, 371, 372, 373, 374 AND 375
REGISTERED PLAN No. 7686
TOWNSHIP OF MARKHAM
COUNTY OF YORK

THE SURVEYOR'S LIABILITY AS TO THE CORRECT ACCURACY OF THIS SURVEY IS LIMITED TO THE CURRENT ACCURACY OF THE DATA AND INFORMATION PROVIDED TO HIM BY THE CLIENT. THE SURVEYOR DOES NOT WARRANT THE CORRECTNESS OF THE DATA AND INFORMATION PROVIDED TO HIM BY THE CLIENT. THE SURVEYOR'S LIABILITY IS LIMITED TO THE CURRENT ACCURACY OF THE DATA AND INFORMATION PROVIDED TO HIM BY THE CLIENT.

I HEREBY CERTIFY THAT:

- 1 This survey and plan are correct and in accordance with The Survey Act and The Registry Act and the Regulations made thereunder.
- 2 The survey was completed on the 17th day of OCTOBER, 1968.

Dated: 26th OCTOBER, 1968
Per *[Signature]*
Ontario Land Surveyor

JOHN D. BARNES ONTARIO LAND SURVEYORS
J. D. BARNES AND ASSOCIATES LTD. TECHNICAL SURVEYS
5075 YONGE STREET - 223-6010 WILLOWDALE, ONTARIO
Drawn by: K. P. Chik, K. P. Scale: 1" = 30' Dwg. No. 5947-9-4

5947-9-4

CANADIAN NATIONAL RAILWAY

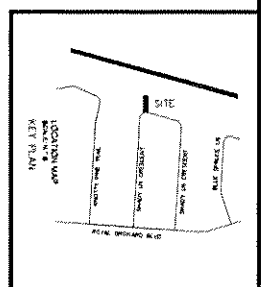
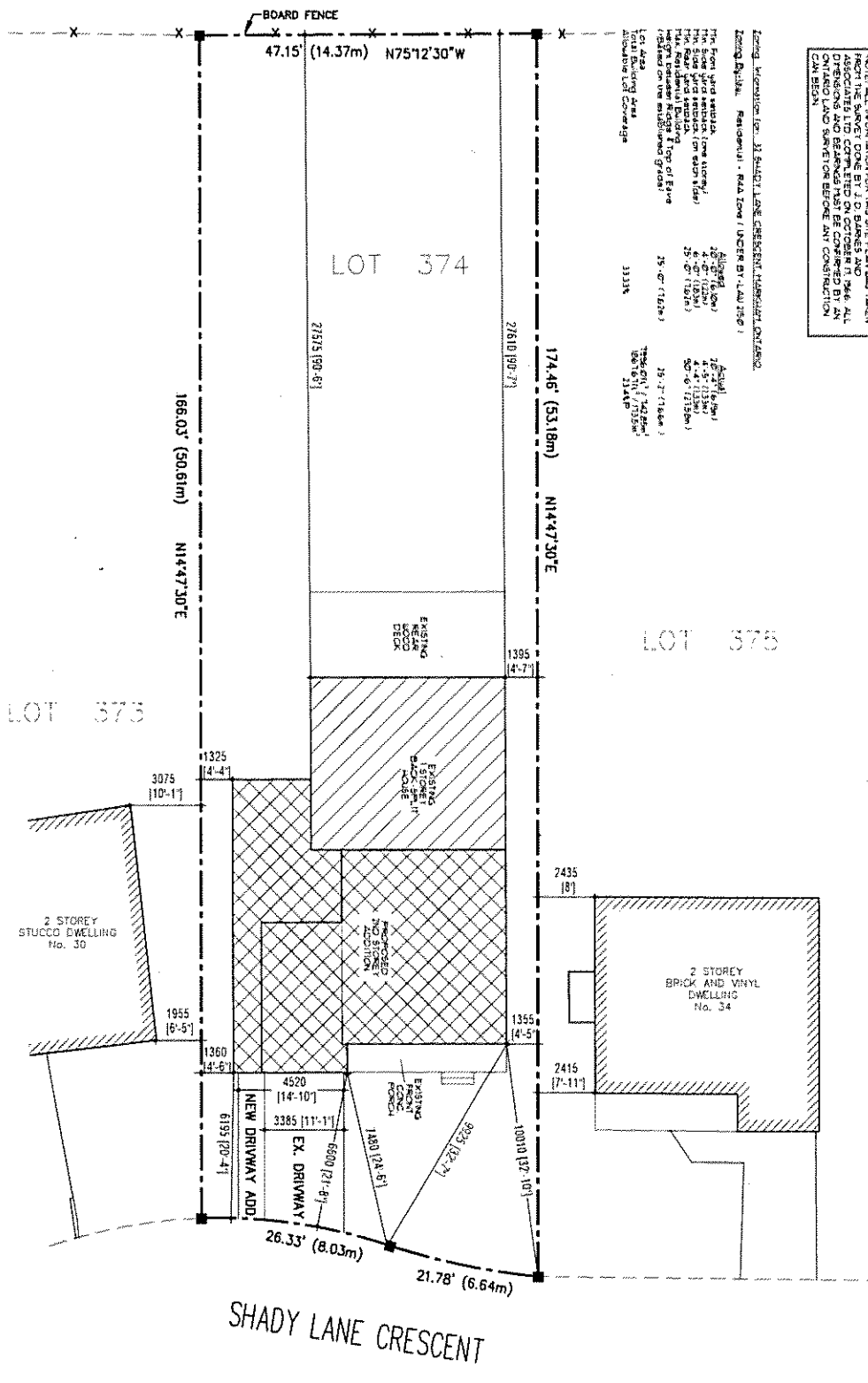


SITE PLAN of
 PLAN OF SURVEY
 OF LOT 374
 REGISTERED PLAN No. 1686
 TOWNSHIP OF MARKHAM
 COUNTY OF YORK
 -SEE SURVEY FOR MORE INFORMATION-

NOTE: ALL INFORMATION FOR THIS SITE PLAN WAS TAKEN FROM THE SURVEY DONE BY J.O. BARRETT AND ASSOCIATES INC. IN 1988. ALL DIMENSIONS AND BEARINGS MUST BE CONSIDERED BY AN ONTARIO LAND SURVEYOR BEFORE ANY CONSTRUCTION CAN BEGIN.

Zoning: Residential (R-1) Single-Lot, Single-Family Detached
 Planning Dept., Toronto - R-1A Zone / UNDER BY-LAW 250 /

The Front yard setback (from street) shall be:
 1. 25'-0" (7.62m)
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Consent of the Board of Health and the Board of Fire and Police is required before commencement of any work. The Board of Health and the Board of Fire and Police may require the contractor to provide a copy of the site plan and specifications on the property of the Board of Health and the Board of Fire and Police. The Board of Health and the Board of Fire and Police may require the contractor to provide a copy of the site plan and specifications on the property of the Board of Health and the Board of Fire and Police. The Board of Health and the Board of Fire and Police may require the contractor to provide a copy of the site plan and specifications on the property of the Board of Health and the Board of Fire and Police.

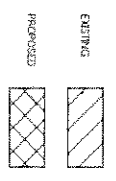
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2	03/27/19	REISSUED FOR ZONING

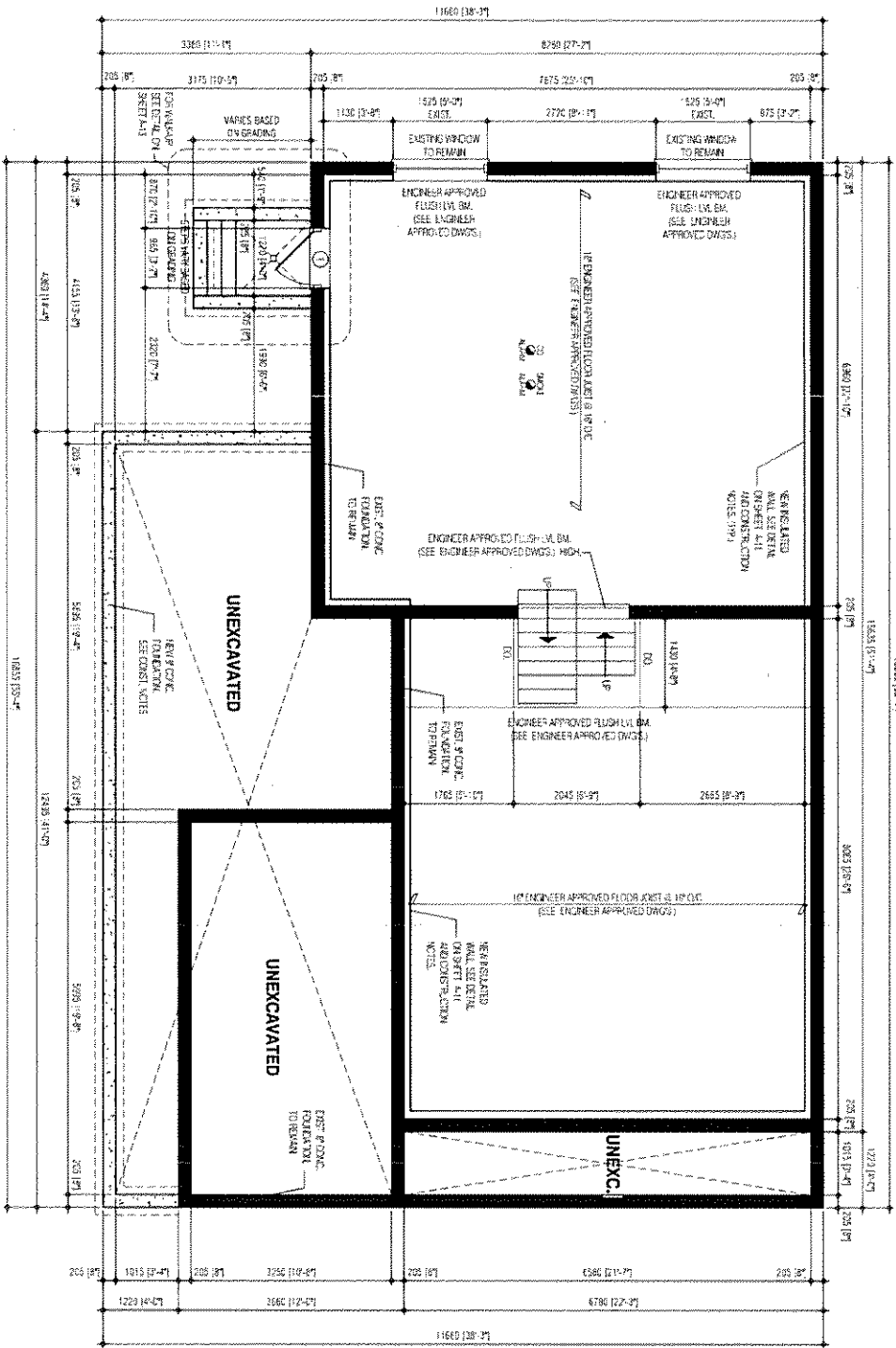
SITE PLAN

Private Residence
 SHADY LANE CRESCENT
 MARKHAM, ONT.

TYPE	SCALE	DATE
AS-BUILT	1/25	SP1

LEGEND





Contractor(s) shall make and verify all measurements before commencement of any work to the Engineer. The Engineer shall not be responsible for any errors or omissions in the drawings or specifications, or for any consequences arising therefrom, in whole or in part, or for any work or action required to be taken by the contractor or any subcontractor. The drawings and specifications shall be used for construction purposes unless otherwise stated by the Engineer.

No.	DATE	WORK DESCRIPTION
1	07/21/16	ISSUED FOR ZONING
2	09/05/16	ISSUED FOR PERMIT
3	09/10/16	ISSUED FOR PERMIT
4	10/27/16	RE-ISSUED FOR ZONING

EXISTING LOWER & UPPER BASEMENT LAYOUTS

Private Residence
SHADY LANE CRESCENT,
MARKHAM, DNT.

O.B.C. REG. 332/12	TYPE	AREA
	SCALE: 1:50	
	PROJ. NO.	DATE
		A1

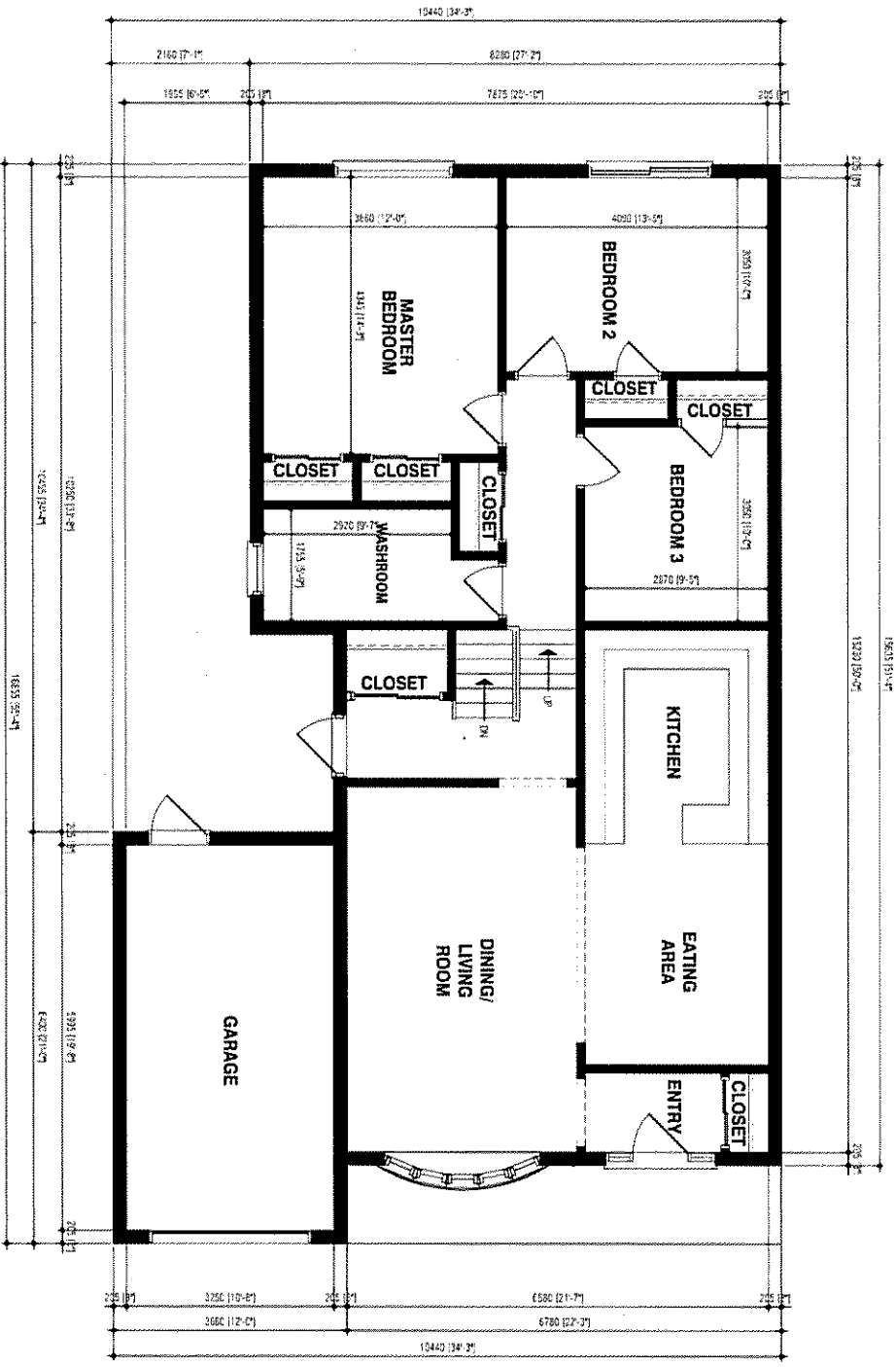
NOTE:
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING CODE OF CANADA (NBC) AND THE ONTARIO BUILDING CODE (OBC).
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN PROPER RECORDS OF ALL WORK DONE.

WOOD LINTERS:
1. ALL WOOD LINTERS SHALL BE OF SUFFICIENT STRENGTH TO SUPPORT THE LOADS INDICATED ON THE DRAWINGS.
2. WOOD LINTERS SHALL BE PROTECTED FROM WEATHER AND ROT.
3. WOOD LINTERS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

STEEL LINTERS:
1. ALL STEEL LINTERS SHALL BE OF SUFFICIENT STRENGTH TO SUPPORT THE LOADS INDICATED ON THE DRAWINGS.
2. STEEL LINTERS SHALL BE PROTECTED FROM WEATHER AND CORROSION.
3. STEEL LINTERS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

DOOR SCHEDULE:
1. ALL DOORS SHALL BE OF SUFFICIENT STRENGTH TO SUPPORT THE LOADS INDICATED ON THE DRAWINGS.
2. DOORS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
3. DOORS SHALL BE PROTECTED FROM WEATHER AND DAMAGE.

NOTES:
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING CODE OF CANADA (NBC) AND THE ONTARIO BUILDING CODE (OBC).
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN PROPER RECORDS OF ALL WORK DONE.



Contractor shall submit and install measurements before commencement of any work and at intervals with the structural steelwork. Plans and specifications are the property of the Engineer and must be returned upon completion of work. Plans or not to be used for construction purposes shall not be used for construction purposes without written approval of the Engineer.

4	10/27/18	RE-ISSUED FOR ZONING
3	09/10/18	ISSUED FOR PERMIT
2	09/05/18	ISSUED FOR PERMITING & ENGINEERING REVIEW
1	07/21/18	ISSUED FOR ZONING

EXISTING LOWER & UPPER 1st FLOOR LAYOUTS

Private Residence
SHADY LANE CRESCENT,
MARKHAM, ONT.

TYPE	AREA
SCALE	1:50
PROJ. NO.	2005-105
	A2

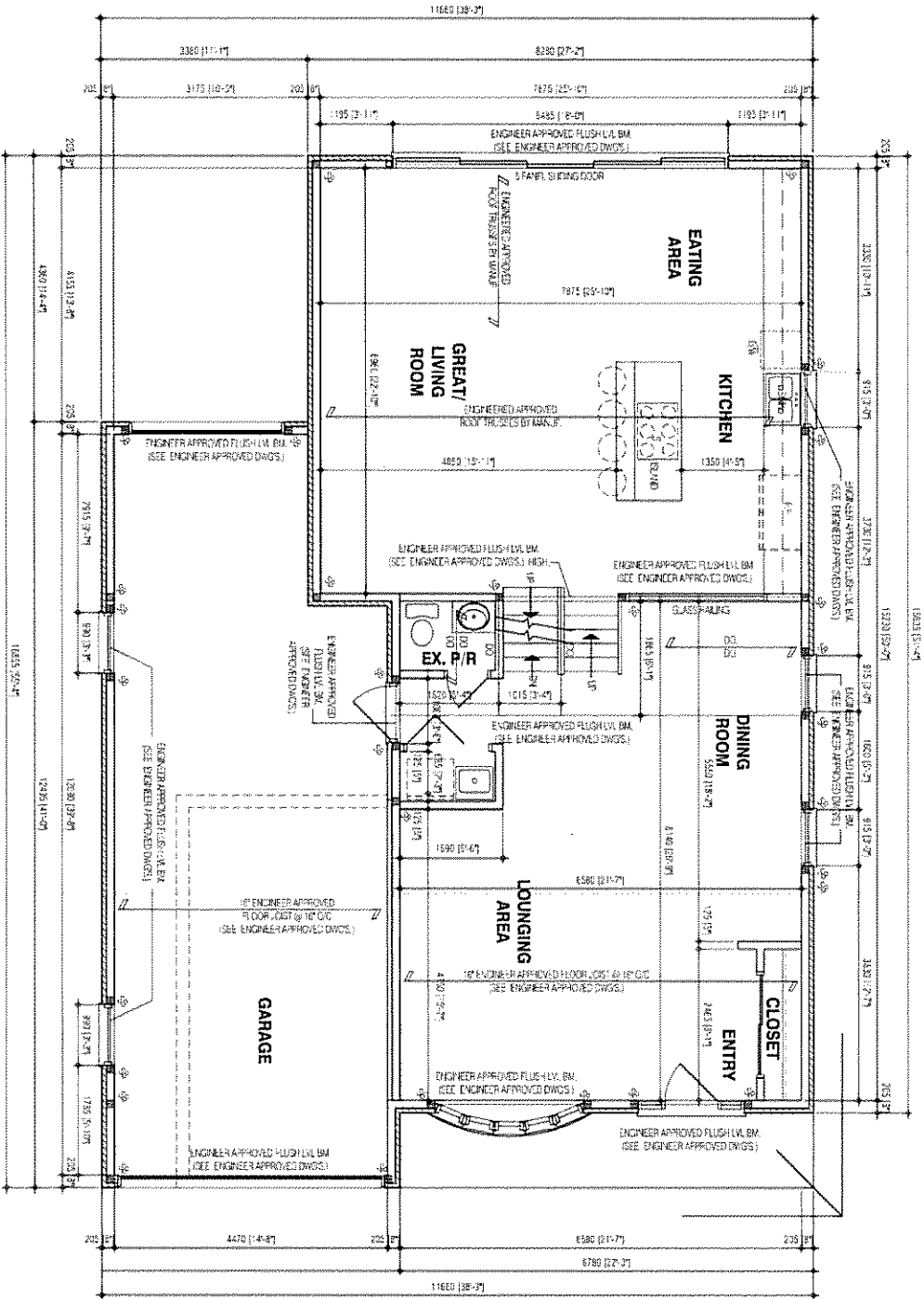
NOTE:
1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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DOOR SCHEDULE:
1. ALL DOORS ARE TO BE 2000mm HIGH AND 900mm WIDE UNLESS OTHERWISE NOTED.
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STEEL UNITS:
1. ALL STEEL UNITS ARE TO BE 100mm THICK UNLESS OTHERWISE NOTED.
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NOTE:
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Contractor shall check and verify all measurements before commencement of any work. The Engineer shall not be responsible for any errors or omissions in the drawings or specifications. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals.

No.	DATE	WORK DESCRIPTION
1	07/23/18	ISSUED FOR ZONING
2	09/05/18	6 ENGINEERING REVIEW
3	09/10/18	ISSUED FOR PERMIT
4	10/27/18	RE-ISSUED FOR ZONING

NEW LOWER & UPPER 1st FLOOR LAYOUTS

Private Residence
SHADY LANE CRESCENT,
MARKHAM, ONT.

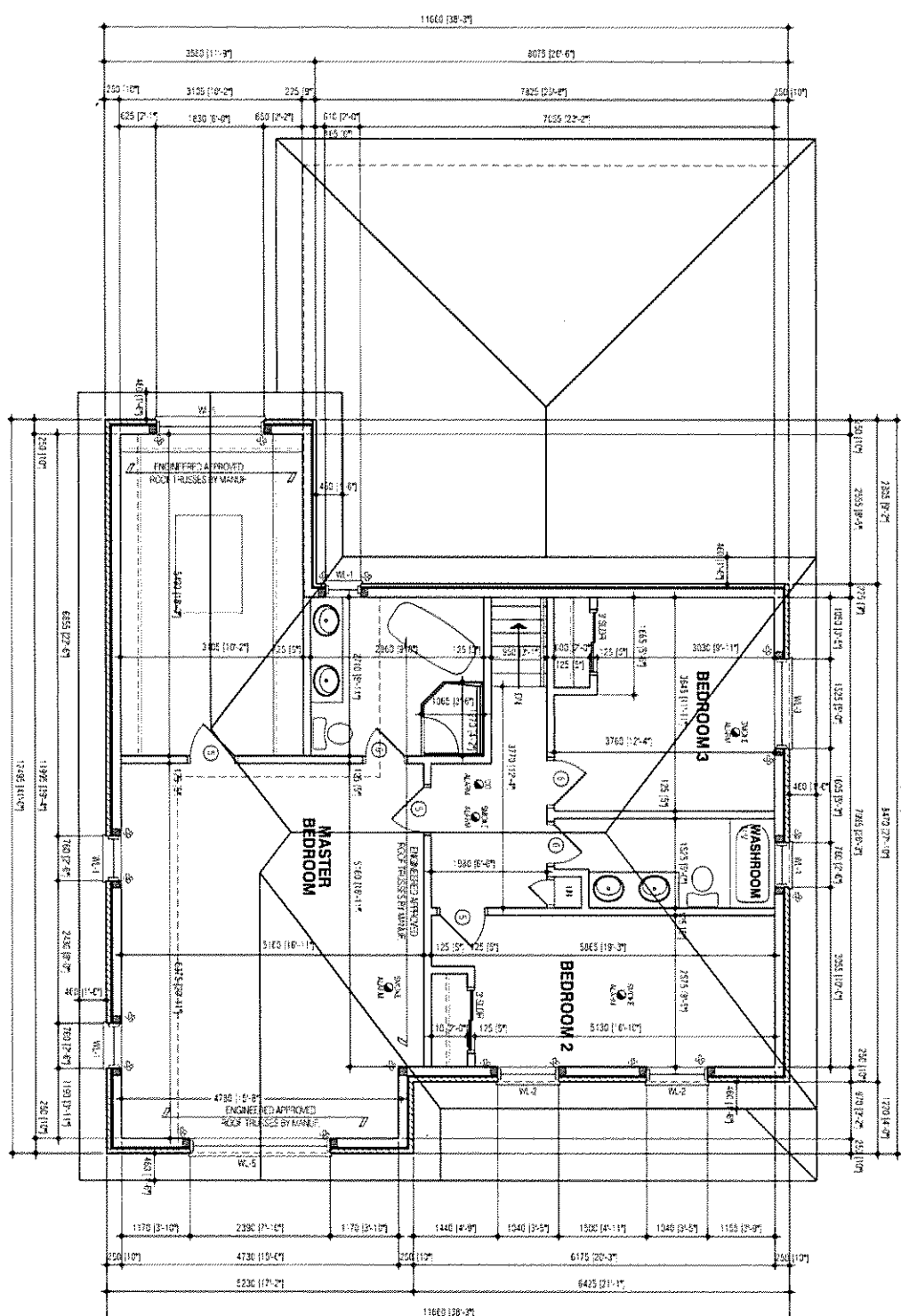
TYPE	AREA
SCALE:	1:50
PRINT NO.	DWG 10
	A3

NOTE:
1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.
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GOOD INTERIORS:
1. ALL INTERIORS TO BE FINISHED WITH 12mm GYP BOARD.
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ROOF SCHEDULE:
1. ALL ROOFS TO BE FINISHED WITH 12mm GYP BOARD.
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NOTE:
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2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
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Contractor shall submit and verify all measurements before commencement of any work and all discrepancies shall be reported immediately. Plans and specifications are the property of the Engineer and must be returned upon completion of work. Plans are not to be used for construction purposes without written approval of the Engineer.

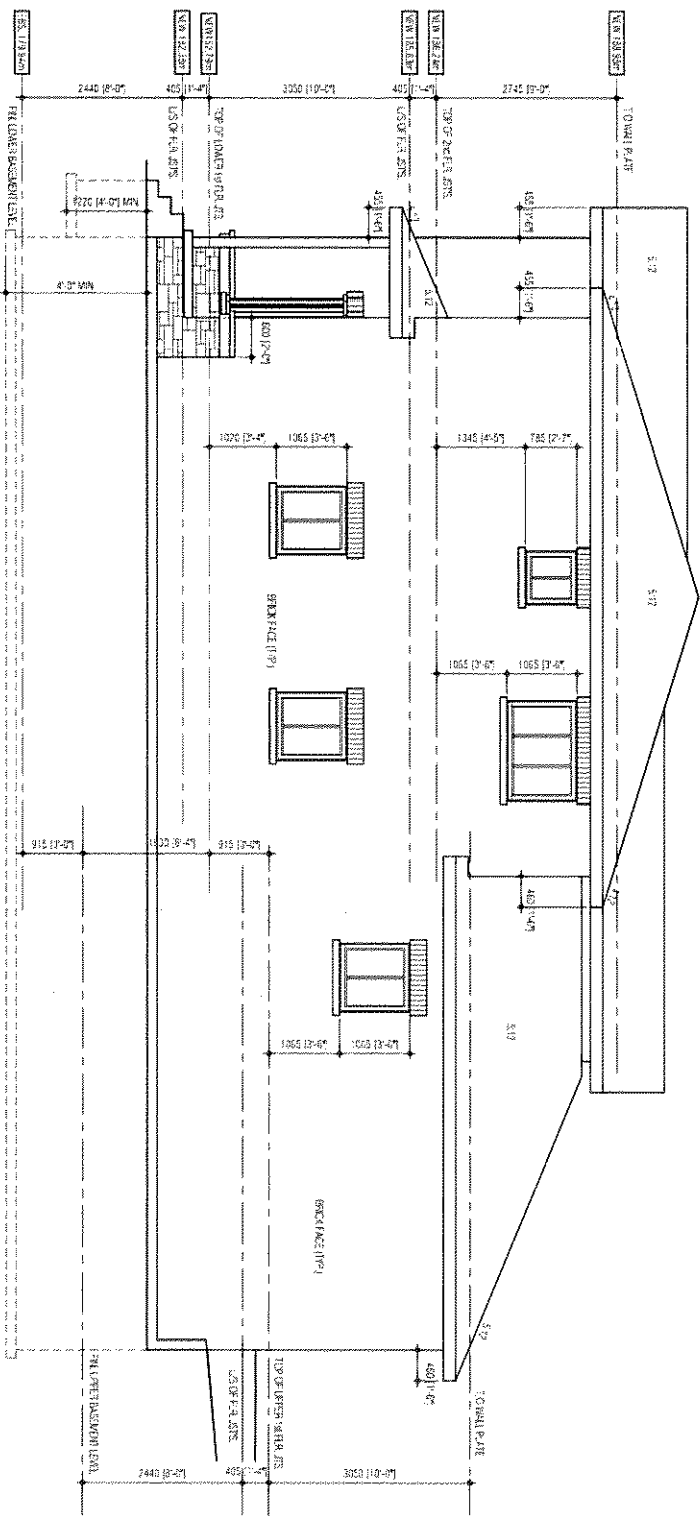
No.	DATE	WORK DESCRIPTION
1	07/23/18	ISSUED FOR ZONING
2	09/05/18	A. ENGINEERING REVIEW
3	09/10/18	ISSUED FOR PERMIT
4	10/27/18	RE-ISSUED FOR ZONING

NEW UPPER 2nd FLOOR LAYOUT

Private Residence
 SHADY LANE CRESCENT,
 MARKHAM, ONT.

NOTE:
 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 2. ROOM SCHEDULE:
 3. MATERIAL SCHEDULE:
 4. FINISH SCHEDULE:
 5. WINDOW SCHEDULE:
 6. DOOR SCHEDULE:
 7. STAIR SCHEDULE:
 8. ELEVATION SCHEDULE:
 9. SECTION SCHEDULE:
 10. GENERAL NOTES:
 11. CONTRACTOR SHALL VERIFY ALL DIMENSIONS BEFORE COMMENCEMENT OF WORK.
 12. ALL DISCREPANCIES SHALL BE REPORTED IMMEDIATELY.
 13. PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THE ENGINEER AND MUST BE RETURNED UPON COMPLETION OF WORK.
 14. PLANS ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES WITHOUT WRITTEN APPROVAL OF THE ENGINEER.

THE	JSEA
SCALE	1:50
PROJ. NO.	DWG. NO.
	A4



RIGHT ELEVATION

1	07/23/18	ISSUED FOR ZONING
2	09/05/18	ISSUED FOR PRICING & ENGINEERING REVIEW
3	09/10/18	ISSUED FOR PERMIT
4	10/27/18	RE-ISSUED FOR ZONING

Contractor(s) shall check and verify all measurements before commencement of any work and report any discrepancies to the Engineer. Plans are to be used for construction purposes unless otherwise stated by the Engineer. Plans are not to be used for any other purpose without the written consent of the Engineer.

RIGHT ELEVATION

Private Residence
 SHADY LANE CRESCENT,
 MARKHAM, ONT.

TYPE	AREA
SCALE	1:50
PROJECT NO.	3102318
	A7

