

# Memorandum to the City of Markham Committee of Adjustment

February 08, 2019

**File:** A/08/19  
**Address:** 45 Wildrose Cres, Thornhill  
**Applicant:** Nicole A. & John Gideon  
**Agent:** Black Pearl Custom Homes Inc (Soodeh Salehin)  
**Hearing Date:** Wednesday February 20, 2019

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

The applicant is requesting relief from the following requirements of By-law 1767, R3, as amended:

**a) Section 12 (iv)(a):**

a minimum front yard setback of 27 feet, whereas the By-law requires the front yard of a dwelling to be erected between two existing building shall comply with the corresponding yards of the two existing buildings 32.7 feet;

**b) Amending By-law 100-90, Section 1.2 (i):**

a maximum building height of 10.46 metres, whereas the By-law permits a maximum building height of 9.8 metres;

**c) Amending By-law 100-90, Section 1.2 (iii):**

a maximum building depth of 17.74 metres, whereas the By-law permits a maximum building depth of 16.8 metres.

as they relate to a proposed residential dwelling.

## BACKGROUND

### Property Description

The 1,025.97 m<sup>2</sup> (11,043.5 ft<sup>2</sup>) subject property is located on the north side of Wildrose Crescent, south of John Street and east of Bayview Avenue. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. To the east of the Property is a CN Rail line and abutting the rear of the property is Glencrest Park. There is an existing two-storey detached 266 m<sup>2</sup> (2,863.2 ft<sup>2</sup>) dwelling on the property, which according to assessment records was constructed in 1965. Mature vegetation exists across the property.

### 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 1767

The subject property is zoned R3 – ‘Third Density Residential’ in By-law 1767, as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to minimum front yard setback.

### Residential Infill Zoning By-law 100-90

The subject property is also subject to the Residential Infill Zoning By-law 100-90. The intent of this 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, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to maximum building height and maximum building depth.

### **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, *“for the aesthetic of the proposed structure as well as function of the spaces inside the house, and owner’s needs”*.

### **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) on January 09, 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.

### **Reduction in Front Yard Setback**

The applicant is requesting relief to permit a minimum front yard setback of 27 ft (8.23 m), whereas the By-law requires the front yard of a dwelling to be erected between two existing buildings to comply with the corresponding yards of the two existing buildings at 32.7 ft (9.97m). This represents a difference of approximately 5.7 ft (1.74 m) or, approximately 17 percent.

The proposed dwelling is located on an irregular lot on a curved street and the variance is attributable to only a portion of the property, the front covered porch and the garage (and second storey space above the garage). The proposed dwelling with the variance is generally compatible with the existing dwelling to its left and, does not project significantly into the front yard compared to the property to its right. Excluding the front covered porch and projection, the proposed dwelling maintains a front yard setback of approximately 35.75 ft (10.9 m) and is generally consistent with the established front yard setback pattern of neighbouring properties. Staff are of the opinion that the variance request for a reduction in front yard setback is appropriate for the development.

### **Increase in Maximum Building Height**

The applicant is requesting relief to permit a maximum building height of 10.46 m (34.32 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents a difference of approximately 0.66 m (2.17 ft) or, approximately 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 1.1m (3.6 ft) above the crown of road.

#### **Increase in Maximum Building Depth**

The applicant is requesting relief to permit a maximum building depth of 17.74 m (58.20 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 0.94 m (3.1 ft) or, approximately 6 percent.

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

The variance includes a front covered porch and garage (including the second-storey space above the garage) projection which combined add approximately 1.2 m (4 ft) to the overall depth of the building. While the proposed dwelling will extend further into the rear yard than the property to its left, it is generally compatible with the rear yard setback with the property to its right.

The proposed covered porch and front projection of the proposed dwelling (garage and second-storey space above the garage) occupy a portion of the front wall and maintain adequate distance from neighbouring properties. The proposal does not include variances for any setbacks and provides adequate rear amenity space. The main component of the building, excluding the covered porch and projection, has a depth of approximately 16.54 m (54.3 ft) which complies with the by-law requirement. Given that the variance request applies to a portion of the dwelling, that the front covered porch will remain unenclosed and, that the proposed dwelling maintains more than the minimum required side yard setback, staff are of the opinion that the proposed building depth meets the intent of the zoning By-law and is appropriate for the development.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of February 08, 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.

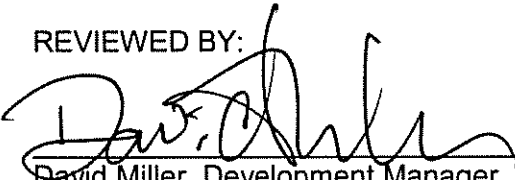
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

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 110728 \Documents\District Team Comments Memo

**APPENDIX "A"**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/08/19**

1. That the front covered porch remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. 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 23, 2019 and January 28, 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.
4. 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.
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.
6. 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

# 45 WILDROSE CRES.

PROPOSED 2 STOREY SINGLE FAMILY DWELLING

STATISTICS:

PLANNING CONTROLS:

ZONING : R3 – Single Detached Residential,

DRAWING LIST:

- ARCHITECTURAL
- A0 TITLE PAGE & STATISTICS
- A1 SITE PLAN

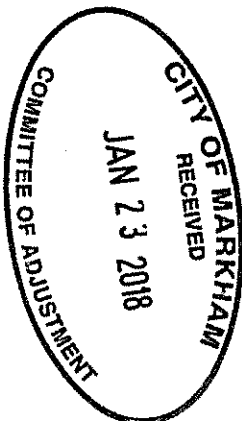
PROJECT INFORMATION:

- LOT AREA: 11,043.5 SQ.FT
- PROPOSED COVERAGE :21.46%
- PROPOSED HEIGHT :10.4 m

- A2 PROPOSED BASEMENT
- A3 PROPOSED GROUND FLOOR PLAN
- A4 PROPOSED SECOND FLOOR PLAN
- A5 PROPOSED ROOF PLAN

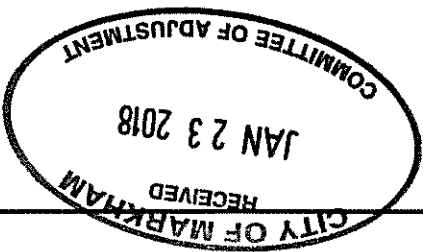
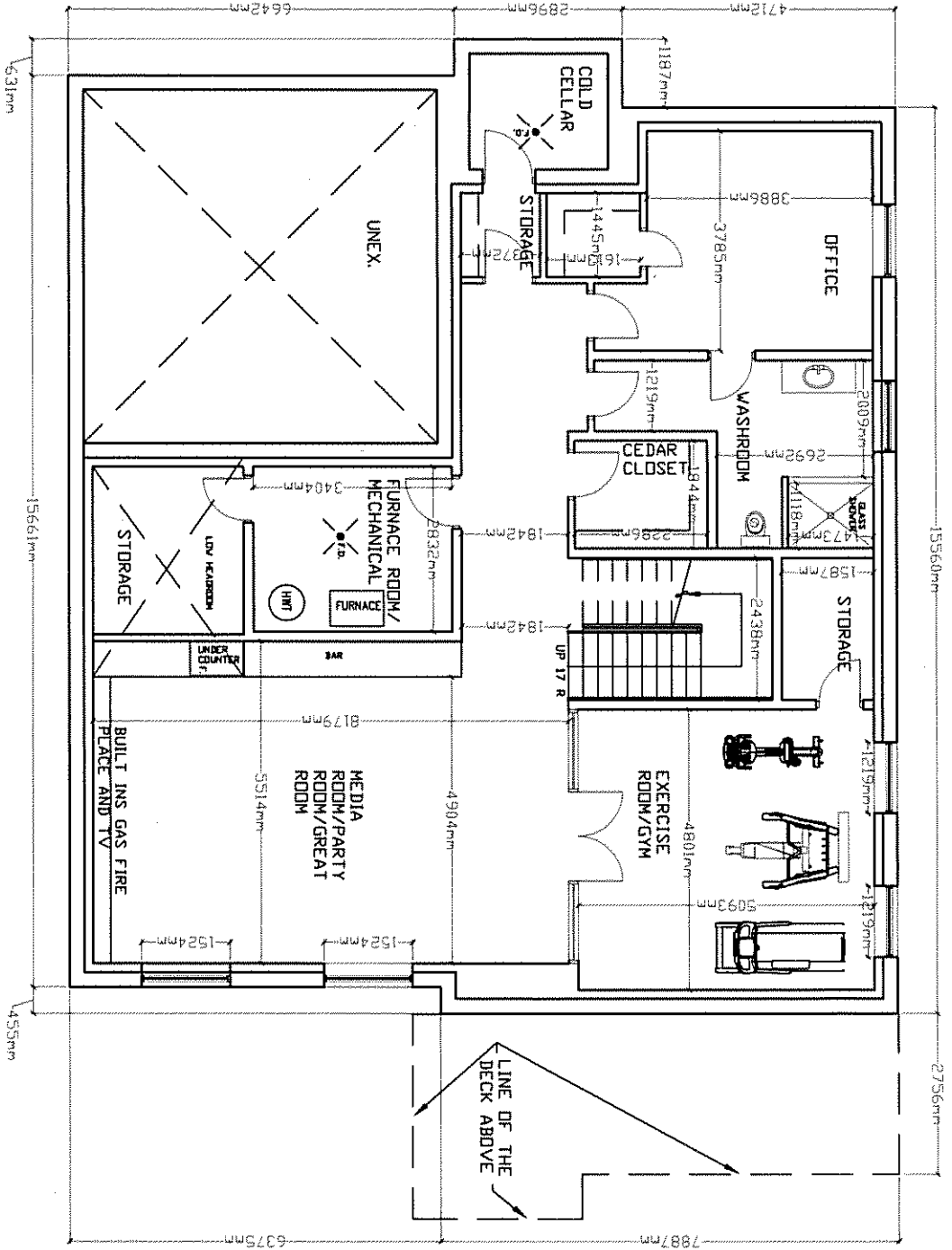
GFA:

- PROPOSED FRONT ELEVATION ELEVATIONS (SOUTH)
- PROPOSED SIDE ELEVATION ELEVATIONS (EAST)
- PROPOSED SIDE ELEVATION ELEVATIONS (WEST)
- PROPOSED REAR ELEVATION ELEVATIONS (NORTH)
- PROPOSED GROUND FLOOR AREA ( GARAGE NOT INCLUDED): 1,899.8 SQ.FT
- PROPOSED GROUND FLOOR AREA (GARAGE INCLUDED): 2,370.2 SQ.FT
- PROPOSED SECOND FLOOR AREA: 2,339 SQ.FT
- PROPOSED BASEMENT FLOOR AREA: 1,885.1 SQ.FT

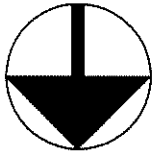


No.	Issued for	Date					
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3	COMMITTEE OF ADJUSTMENT	JUN 19/2019					
2	ZONING REVIEW	DEC 10/2018					
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			Title Page		45 WILDROSE CRES. MARKHAM, ONTARIO		
			Date - DEC 10/2018		Scale - NTS		
			Drawing Number - A0				





No.	Issued for	Date
1	ZONING REVIEW	DEC 10/2018
2	COMMITTEE OF ADJUSTMENT	JUN 19/2019
3		
4		



**BLACK PEARL**  
CUSTOM HOMES

Drawing Title -  
**PROPOSED BASEMENT PLAN**

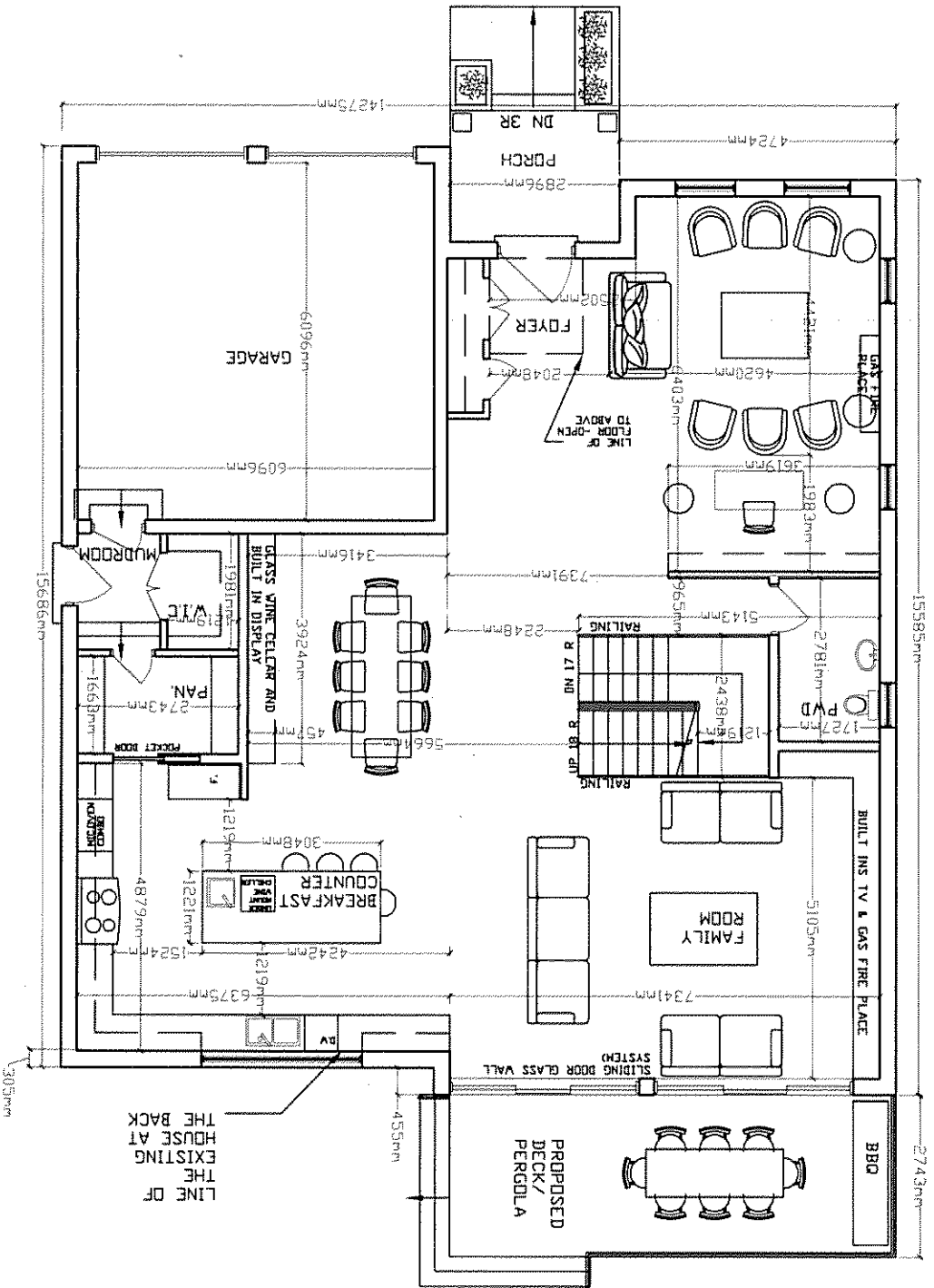
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**45 WILDROSE CRES.,  
MARKHAM, ONTARIO**

Date - DEC 10/2018

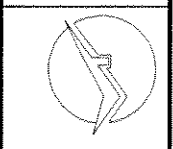
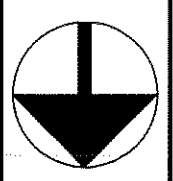
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Draw Number - A2





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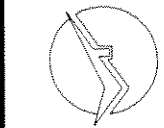
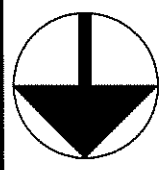
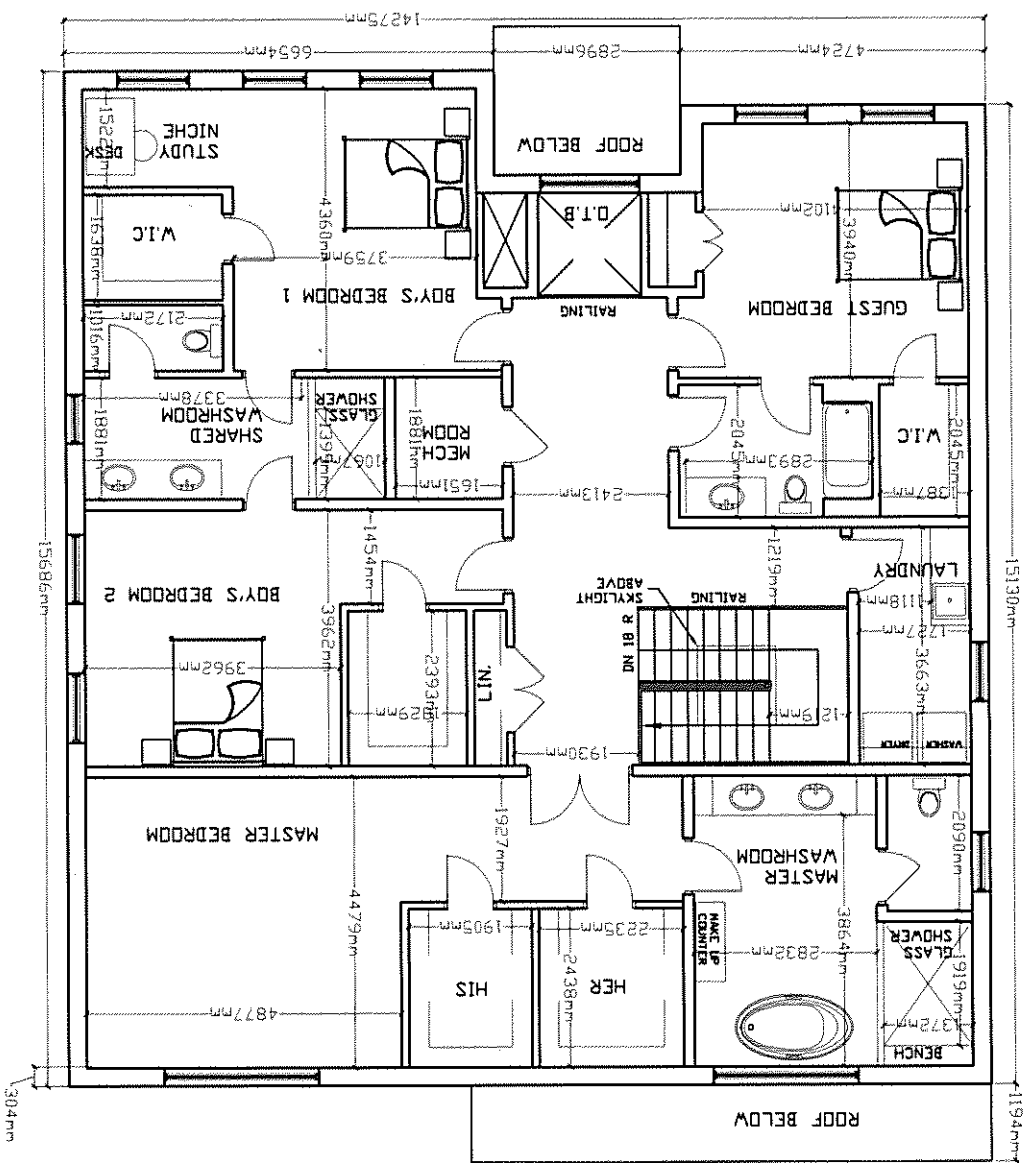


**BLACK PEARL**  
**CUSTOM HOMES**

Drawn: JH -  
**PROPOSED GROUND FLOOR**  
Project -  
**45 WILDROSE CRES.**  
**MARKHAM, ONTARIO**

Date -	DEC 10/2018
Scale -	N.T.S.
Draw Number -	A3

4		
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No.	Issued for	Date

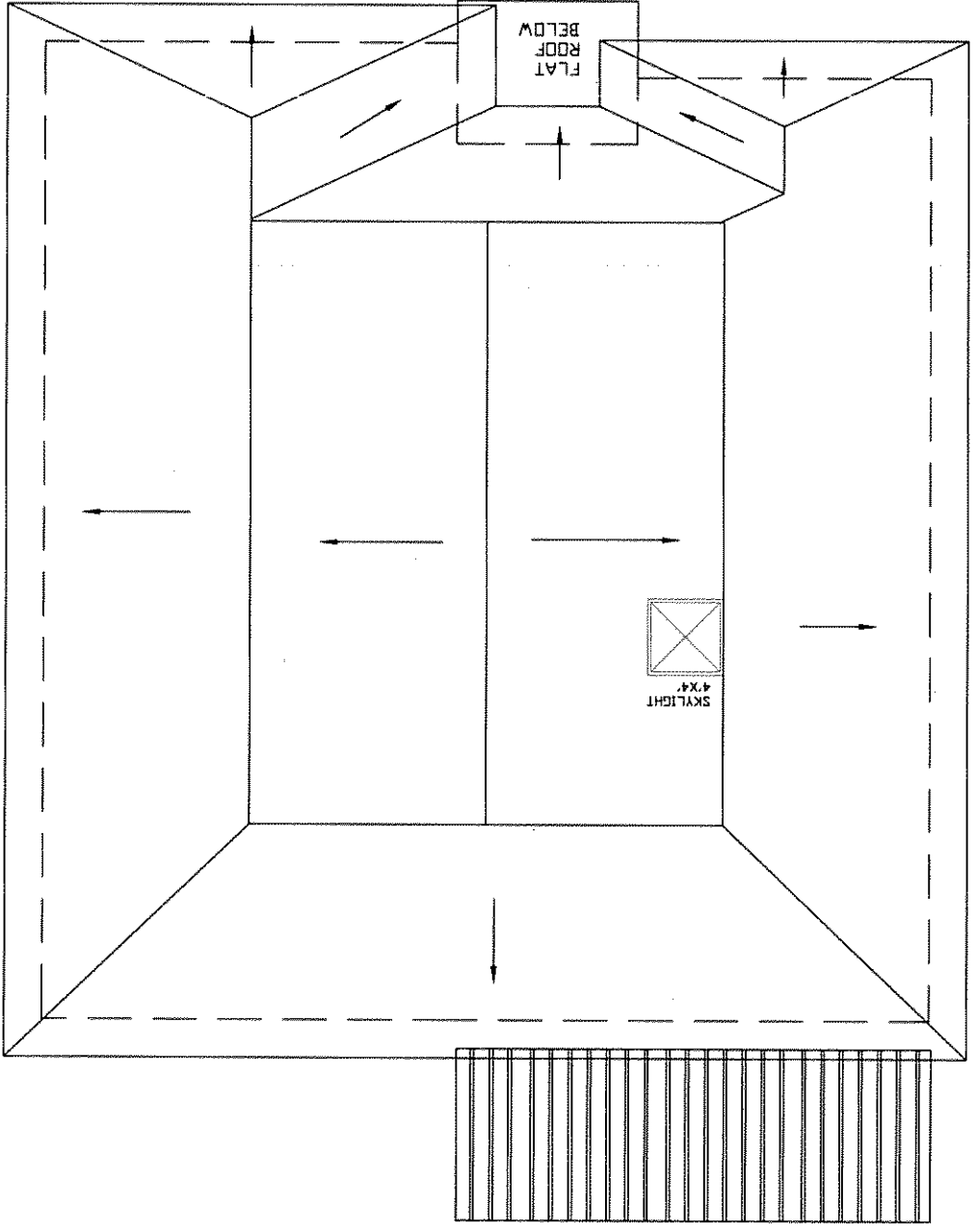


**BLACK PEARL**  
CUSTOM HOMES

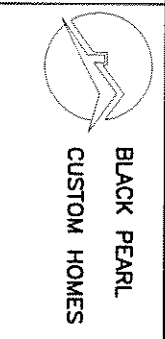
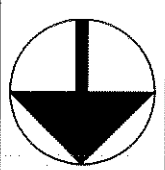
Drawing Title -  
**PROPOSED SECOND FLOOR**

Project -  
**45 WILDROSE CRES.,  
MARKHAM, ONTARIO**

Date -	DEC 10/2018
Scale -	NIS
Doc Number -	A4

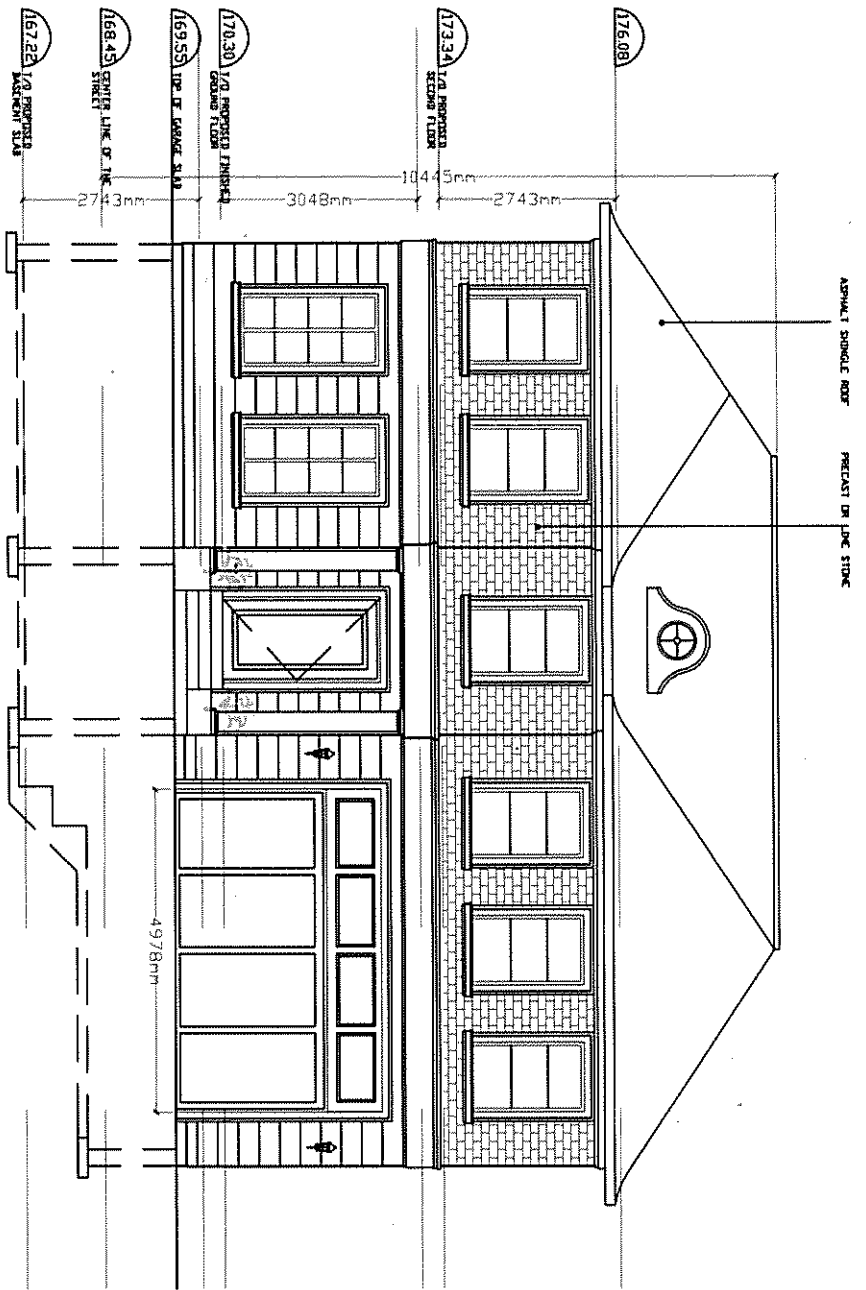


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2	SCHEMATIC OF ADJUSTMENT	JAN 18/2019
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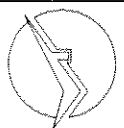


Project -  
**PROPOSED ROOF PLAN**  
**45 WILDROSE CRES.**  
**MARKHAM, ONTARIO**

Date - **DEC 10/2018**  
 Scale - **N.T.S.**  
 Draw Number - **A5**



4		
3	COMMITTEE OF ADJUSTMENT	JAN 18/2019
2	ZONING REVIEW	DEC 10/2018
1		
Has issued for		Date



**BLACK PEARL**  
CUSTOM HOMES

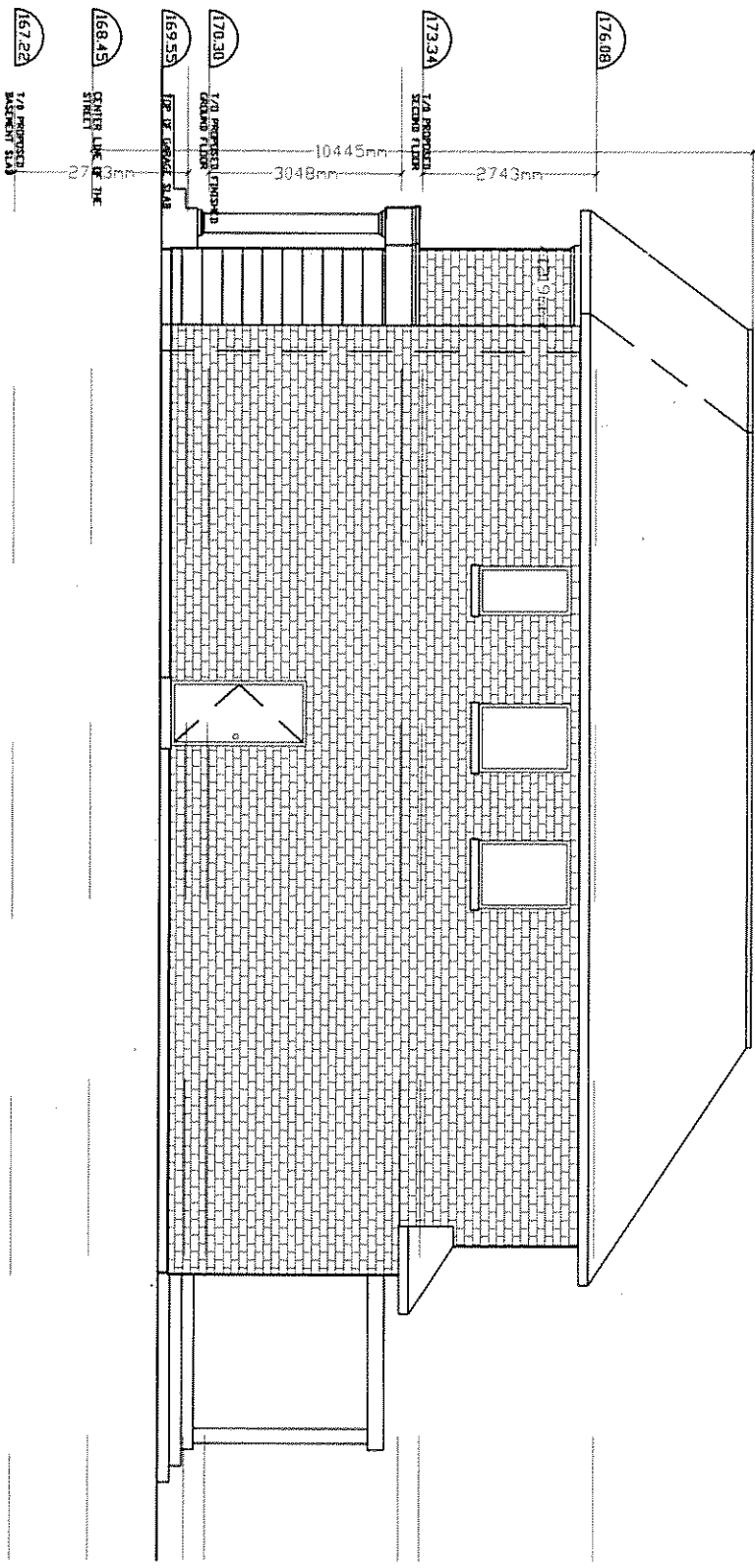
Drawing Title -  
**PROPOSED FRONT ELEVATION**  
(SOUTH)

Project -  
**45 WILDROSE CRES.**  
MARKHAM, ONTARIO

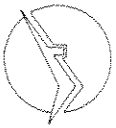
Date - **DEC 10/2018**

Scale - **M/S**

Doc Number - **A6**



No.	Issued for	Date
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2	ZONING REVIEW	DEC 10/2018
1		

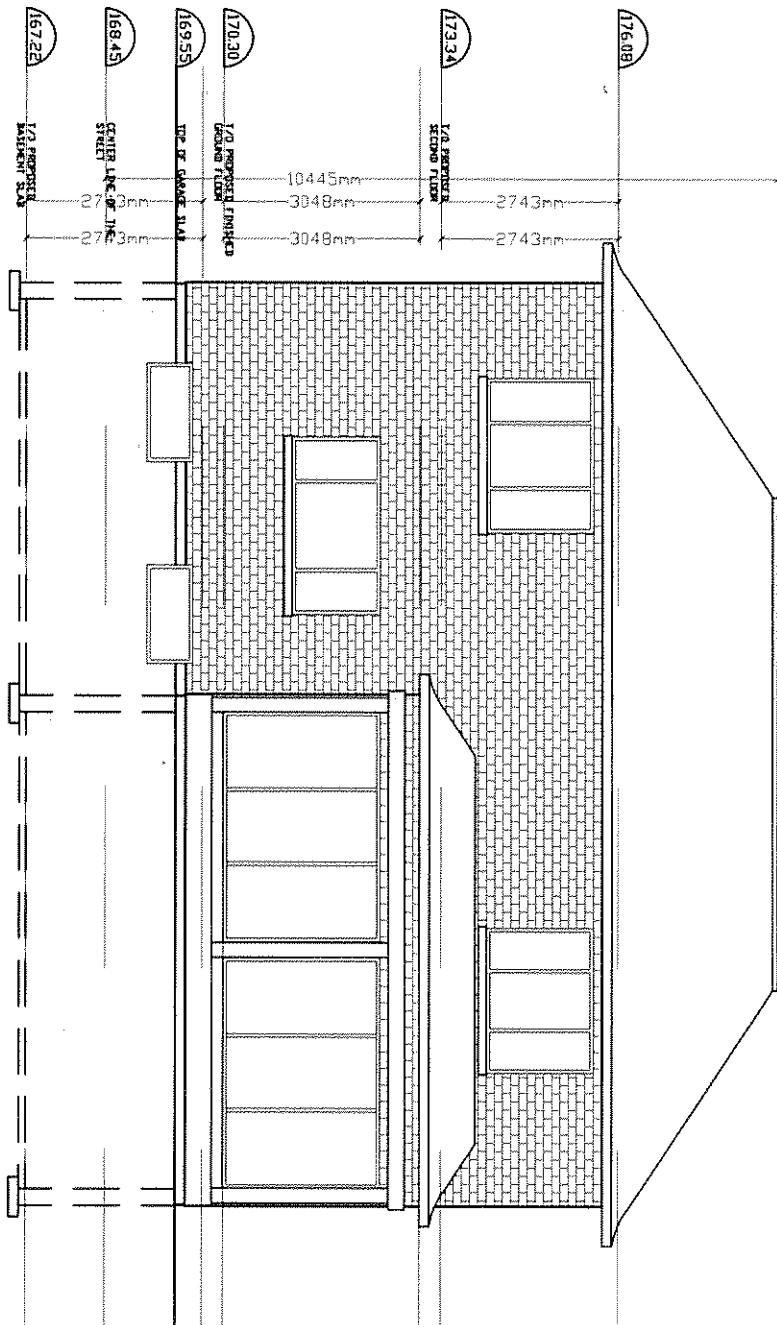


**BLACK PEARL  
CUSTOM HOMES**

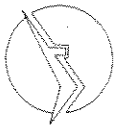
Project Title -  
**SIDE ELEVATION  
(EAST)**  
Project -  
**45 WILDROSE CRES.  
MARKHAM, ONTARIO**

Date - **DEC 10/2018**  
Scale - **N/S**  
Dwg Number - **A7**





No.	Issued for	Date
4		
3	COUNTER OF	JAN 18/2019
2	ADJUSTMENT	
1	ZONING REVIEW	DEC 10/2018



**BLACK PEARL  
CUSTOM HOMES**

Drawn To -  
**REAR ELEVATION  
(NORTH)**  
Project -  
**45 WILDROSE CRES.  
MARKHAM, ONTARIO**

Date - **DEC 10/2018**  
Scale - **N.T.S.**  
Drawing Number - **A9**