

# Memorandum to the City of Markham Committee of Adjustment

February 07, 2019

**File:** A/11/19  
**Address:** 39 Artisan Trail Markham  
**Applicant:** Robert Chung & Joyce Chan  
**Agent:** Robert Chung  
**Hearing Date:** February 20, 2019

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

The applicant is requesting relief from the following requirements of By-law 177-96, as amended, R1-F13.7\*151, to construct a new single detached dwelling that includes the reconstruction of a dismantled heritage structure:

**a) Table B1 (G)**

a minimum rear yard setback of 4.0 metres, whereas the By-law permits a minimum rear yard setback of 7.5 metres;

**b) Table B1 (D):**

a maximum garage width of 9.1 metres, whereas the By-law permits a maximum garage width on a lot that is not accessed by a lane to be 50 percent of the lot frontage (8.3 metres);

as they relate to a proposed dwelling.

### **Applicant's Stated Reason(s) for Not Complying with the Zoning By-law**

According to the information provided by the applicant on the application form: "The nature of the home design (Heritage home and its addition) introduced challenges when trying to comply with the provisions of the by-law."

### **Zoning Preliminary Review**

The applicant has not applied for a Zoning Preliminary Review; however, through the related Site Plan Control Application File No. SC 18 182081, the area zoning examiner has undertaken a detailed review of the proposed development and has advised the applicant of the variances needed in order to implement the plans.

### **Heritage Planning Review, Heritage Markham Committee Review, and TRCA**

The Heritage Districts Team is processing the related Site Plan Control Application and through this process have undertaken a thorough review of the proposed development, including the requested variances. No issues have been identified. The application is nearing Site Plan Endorsement. Heritage Markham reviewed the development proposal at its meeting of January 9, 2019 and is in support. TRCA has no issues with the application but requires a permit pursuant to Ontario Regulation 166/06 and the payment of review fees owing by the applicant.

### **Reduction in Rear Yard Setback**

The applicant's request for a minimum rear yard setback of 4.0 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres is in character with the adjoining heritage property to the south at 37 Artisan Trail, which is also a reconstructed heritage

dwelling with a major addition. Staff is of the opinion that the variance for minimum rear yard setback is minor in nature and have no objection.

**Increase in Maximum Garage Width**

The custom design of the proposed dwelling, with a three-bay garage entered from the side rather than the front, has created the need for a variance for garage width. The maximum garage width that the By-law will allow based on the zoning examiner's calculations is 8.3 metres. The applicant is requesting 9.1 metres. Staff is of the opinion that the variance for garage width is minor in nature and have no objections.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of February 7, 2019. It is noted that additional information may be received after the writing of this report, and the Secretary-Treasurer will provide that information at the meeting.

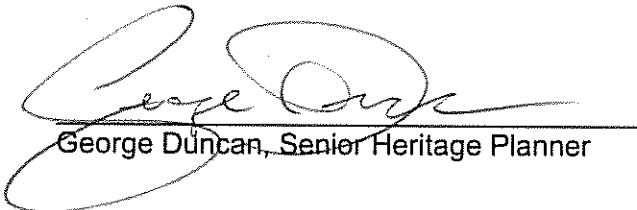
**CONCLUSION**

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 recommends 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.

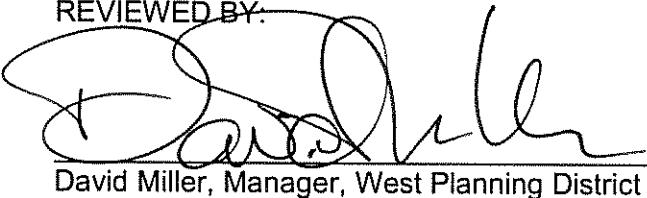
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



George Duncan, Senior Heritage Planner

REVIEWED BY:




David Miller, Manager, West Planning District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE 1/11/19**

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 as submitted on 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;
3. That the owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;
4. The applicant obtains a permit pursuant to Ontario Regulation 166/06, as amended, from the TRCA;
5. The applicant remits the outstanding TRCA Planning Services review fee of \$105.00 within 60 days of the issuance of the TRCA comment letter dated January 29, 2019;
6. The applicant remits the outstanding TRCA Planning Services review fee of \$830.00 associated with staff's review of the related Site Plan Control application (SC 18 182081).

CONDITIONS PREPARED BY:



George Duncan, Senior Heritage Planner

# APPENDIX "A"

**TOPOGRAPHIC SURVEY OF  
PART OF BLOCK 136  
REGISTERED PLAN 65M-3670  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK**

SCALE 1:200  
10m 0 10 METRES

MANDARIN SURVEYORS LIMITED, O.L.S. ©

**METRIC**

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

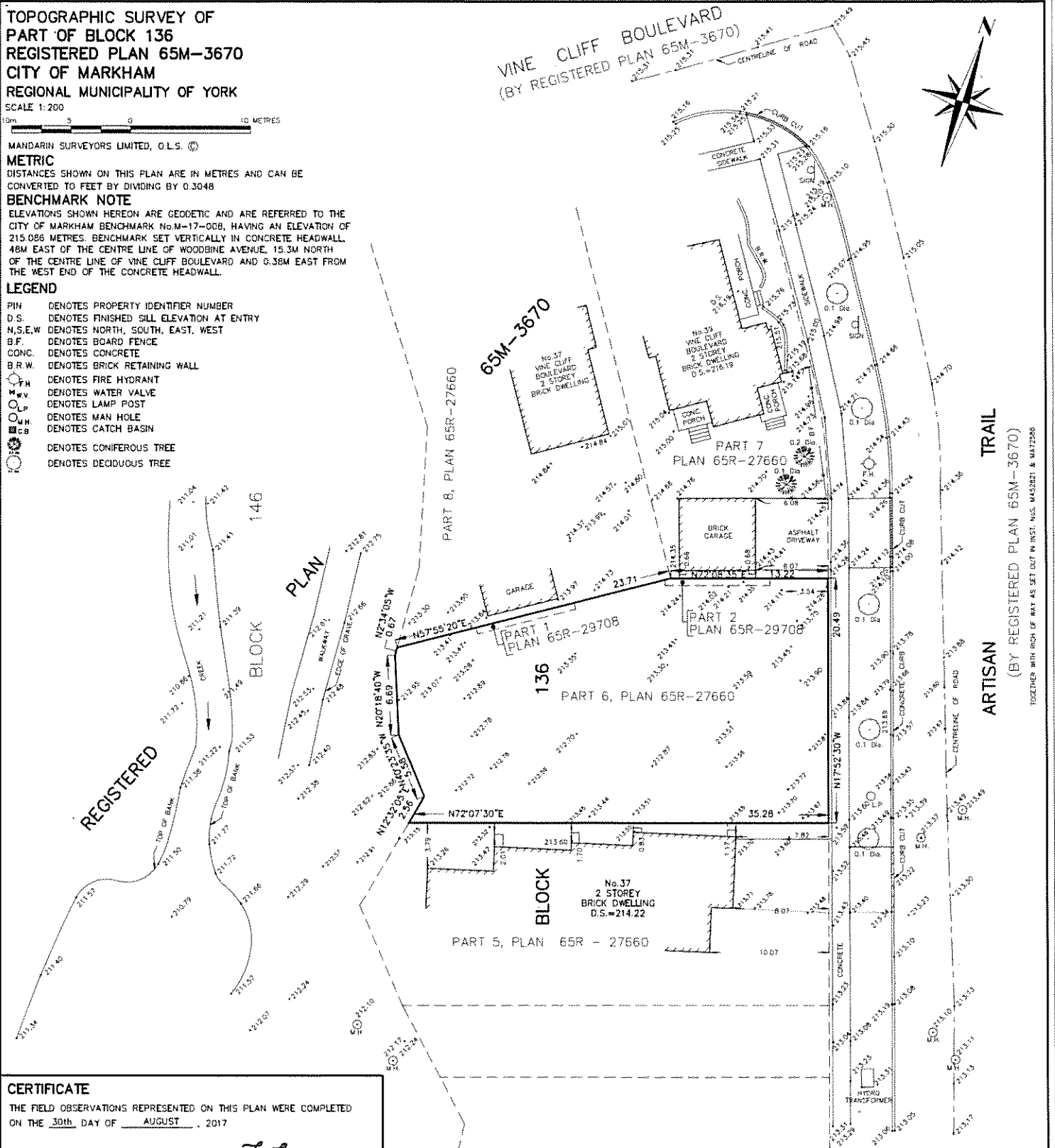
**BENCHMARK NOTE**

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No.M-17-008, HAVING AN ELEVATION OF 215.086 METRES. BENCHMARK SET VERTICALLY IN CONCRETE HEADWALL, 48M EAST OF THE CENTRE LINE OF WOODBINE AVENUE, 15.3M NORTH OF THE CENTRE LINE OF VINE CLIFF BOULEVARD AND 0.38M EAST FROM THE WEST END OF THE CONCRETE HEADWALL.

**LEGEND**

- PH DENOTES PROPERTY IDENTIFIER NUMBER
- D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
- N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
- B.F. DENOTES BOARD FENCE
- CONC. DENOTES CONCRETE
- B.R.W. DENOTES BRICK RETAINING WALL
- F.H. DENOTES FIRE HYDRANT
- W.V. DENOTES WATER VALVE
- L.P. DENOTES LAMP POST
- M.H. DENOTES MAN HOLE
- C.B. DENOTES CATCH BASIN
- ☉ DENOTES CONIFEROUS TREE
- ☼ DENOTES DECIDUOUS TREE

VINE CLIFF BOULEVARD  
(BY REGISTERED PLAN 65M-3670)



**CERTIFICATE**  
THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN WERE COMPLETED ON THE 30th DAY OF AUGUST, 2017

SEPTEMBER 8, 2017  
DATE

*Z. ZENG*  
Z. ZENG  
ONTARIO LAND SURVEYOR

**MANDARIN SURVEYORS LIMITED**  
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR  
WWW.MANDARINSURVEYOR.COM

42 RAVENCLIFF CRESCENT PHONE: (647)430-1366 FAX: (647)799-4088  
TORONTO, ONTARIO, M1T 1R8 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: S.Z. CAD No: 17-137TP JOB No: 2017-137

**CAUTION**  
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR MORTGAGE OR TRANSACTION PURPOSES.

TRAIL  
ARTISAN  
(BY REGISTERED PLAN 65M-3670)

TOGETHER WITH RICH OF MAY AS SET OUT IN INST. NOS. M452821 & M472580

NO.	DATE	DESCRIPTION
1	11/11/11	REVISION - ALL P&E MODIFIED

**ARTISAN TRAIL**

CENTRELINE OF ROAD 21388

CONCRETE CURB CUT 21357

CURB CUT 21322

LIGHT POST 21349

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0.1 Dia.

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NO.	DATE	DESCRIPTION
1	01/03/2018	REVISION 1
2	11/03/2018	ISSUED FOR PERMITS REVIEW
3	03/12/2018	REVISED PER PERMITS REVIEW

PROJECT: ARTISAN TRAIL  
 2 STOREY DWELLING  
 REVISION: 3

DESIGN: PAAR DESIGN INC.  
 27 PAAR COURT  
 SUITE 101  
 MISSISSAUGA, ONTARIO L4W 1A3  
 TEL: 905.882.1234  
 WWW.PAARDDESIGN.COM

PROJECT: No. 39  
 ARTISAN TRAIL  
 2 STOREY DWELLING  
 SCALE: 1/8"=1'-0"

PAAR DESIGN INC.  
 27 PAAR COURT  
 SUITE 101  
 MISSISSAUGA, ONTARIO L4W 1A3  
 TEL: 905.882.1234  
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PROJECT: No. 39  
 ARTISAN TRAIL  
 2 STOREY DWELLING  
 SCALE: 1/8"=1'-0"

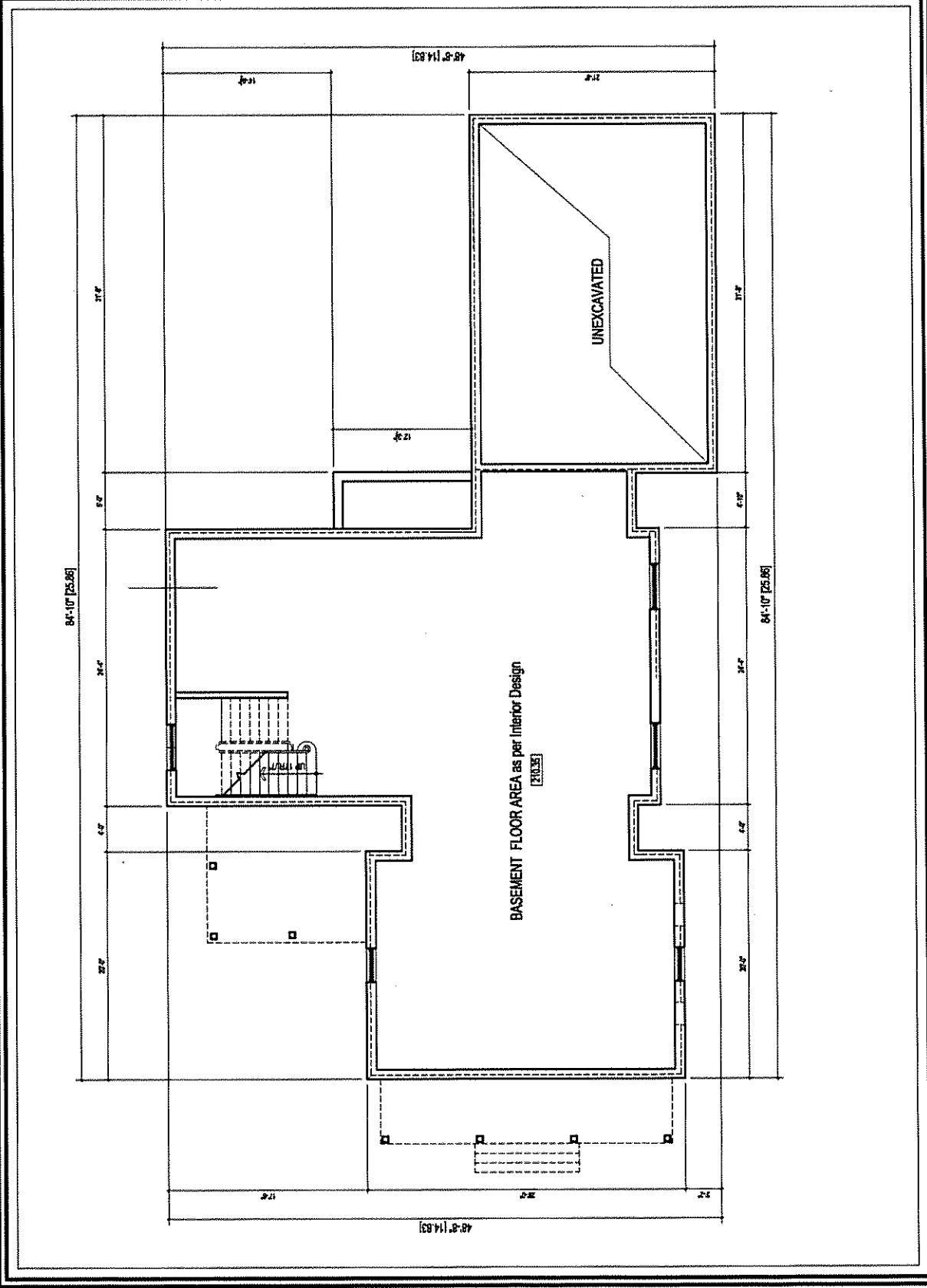
PAAR DESIGN INC.  
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PROJECT: No. 39  
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 27 PAAR COURT  
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PROJECT: No. 39  
 ARTISAN TRAIL  
 2 STOREY DWELLING  
 SCALE: 1/8"=1'-0"

PAAR DESIGN INC.  
 27 PAAR COURT  
 SUITE 101  
 MISSISSAUGA, ONTARIO L4W 1A3  
 TEL: 905.882.1234  
 WWW.PAARDDESIGN.COM



A 02

NO.	DATE	DESCRIPTION
1	11/15/2018	REVISION 1
2	12/12/2018	REVISED FOR EXISTING REVIEW
3	01/15/2019	FORNEN
4	02/15/2019	FOR PERMITS

PROJECT: No. 39 ARTISAN TRAIL 2 STOREY DWELLING FIRST FLOOR PLAN

DATE: 01/15/2019

PAAR DESIGN INC. 11111 146 STREET SW, SUITE 100, EDMONTON, ALBERTA T6E 4E1

PAAR DESIGN INC. 11111 146 STREET SW, SUITE 100, EDMONTON, ALBERTA T6E 4E1

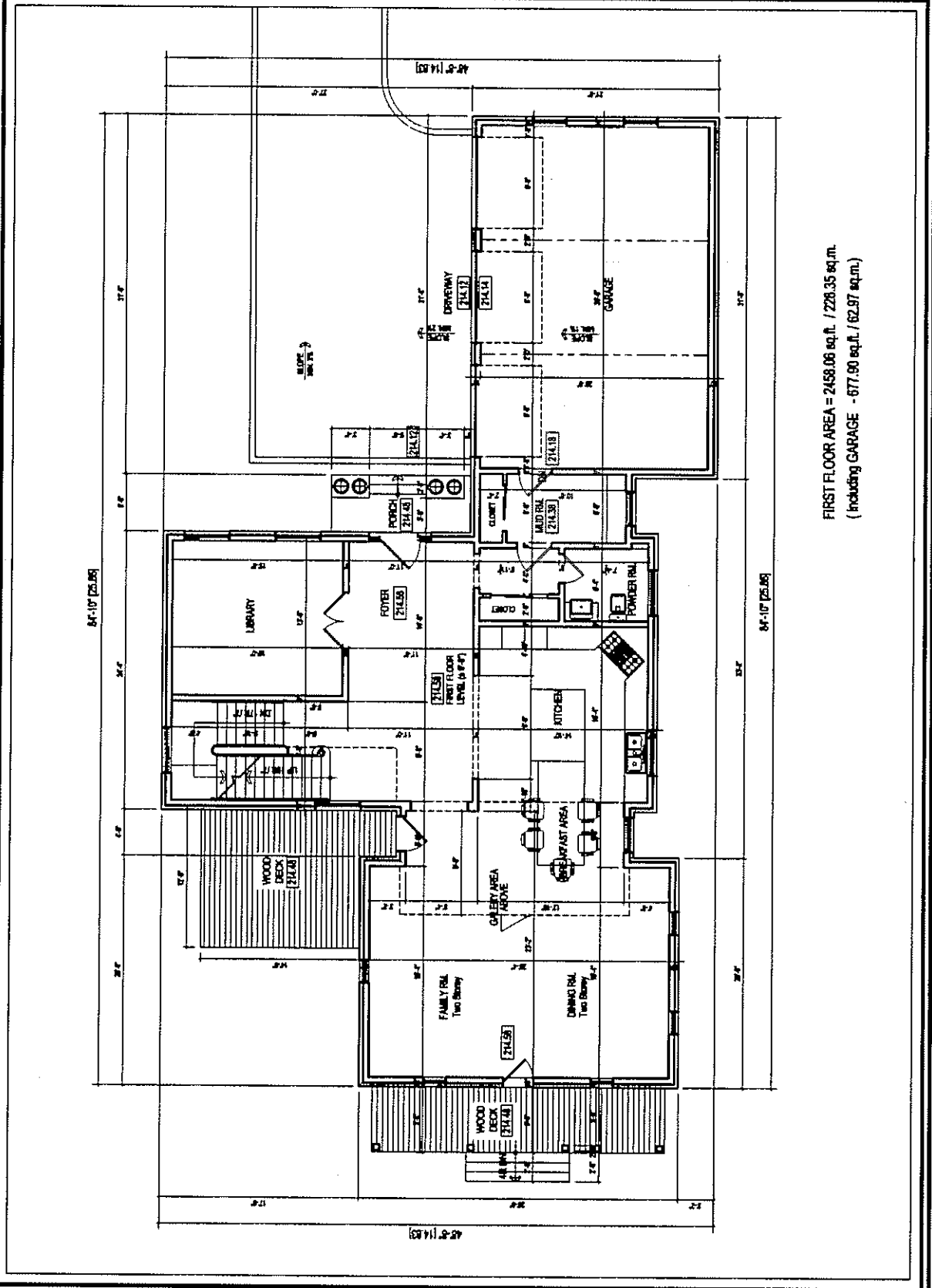
PAAR DESIGN INC. 11111 146 STREET SW, SUITE 100, EDMONTON, ALBERTA T6E 4E1

PAAR DESIGN INC. 11111 146 STREET SW, SUITE 100, EDMONTON, ALBERTA T6E 4E1

PAAR DESIGN INC. 11111 146 STREET SW, SUITE 100, EDMONTON, ALBERTA T6E 4E1

PAAR DESIGN INC. 11111 146 STREET SW, SUITE 100, EDMONTON, ALBERTA T6E 4E1

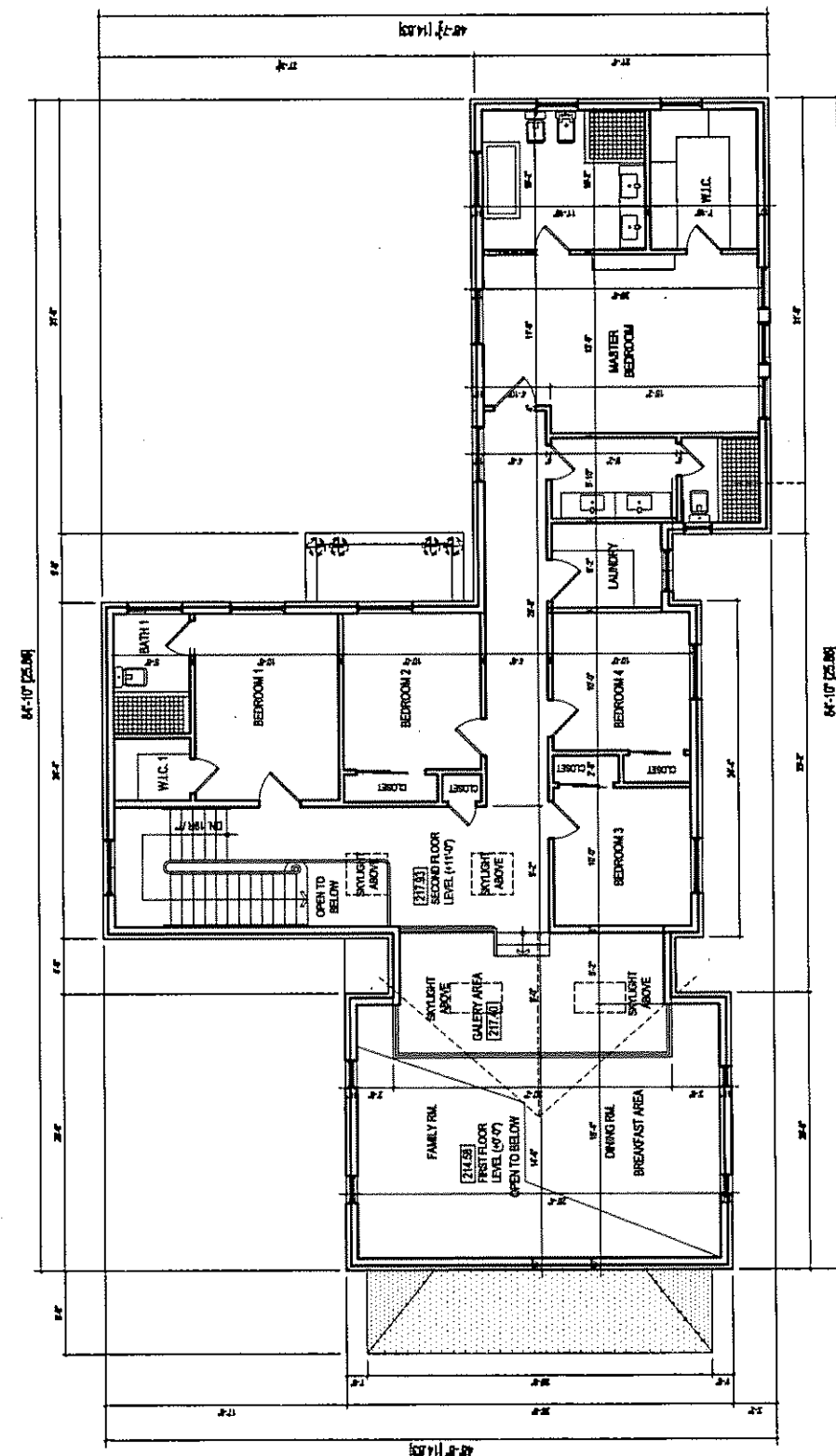
A 03



FIRST FLOOR AREA = 2458.06 sq.ft. / 228.35 sq.m.  
 (including GARAGE - 677.90 sq.ft. / 62.97 sq.m.)

NO.	DATE	DESCRIPTION
1	01/02/2018	REVISION 1
2	17/02/2018	ISSUED FOR PERMITS REVIEW
3	25/11/2018	FINAL PERMITS REVIEW REQUIREMENT

01/11/18 ACC-01-01-01



SECOND FLOOR AREA = 2458.06 sq.ft. / 228.35 sq.m.  
 (Including GALLERY and Two Storey area)

**PAAR DESIGN INC.**  
 10 BAL CONESTOGA  
 TORONTO ON  
 M1H 3K4 CAN  
 TEL: 416 291 2222  
 WWW.PAARDDESIGN.COM

**PROJECT:**  
 No. 39  
 ARTISAN TRAIL  
 2 STOREY DWELLING  
 SECOND FLOOR PLAN  
 scale 1/8"=1'-0"

**DESIGNER:**  
 Registered Architect  
 Ontario  
 No. 22222  
 27788  
 27788

A 04



NO.	DATE	DESCRIPTION
1	01.06.2018	REVISIONS
2	01.10.2018	REVISION FOR EXHIBIT REVIEW
3	06.12.2018	REVISION FOR PERMITS AND PERMITS PREPARATION

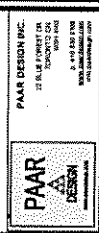
DESIGN

The contractor shall be bound by the terms, conditions, and specifications of the contract documents, including but not limited to the drawings, specifications, and the contract documents for the project.

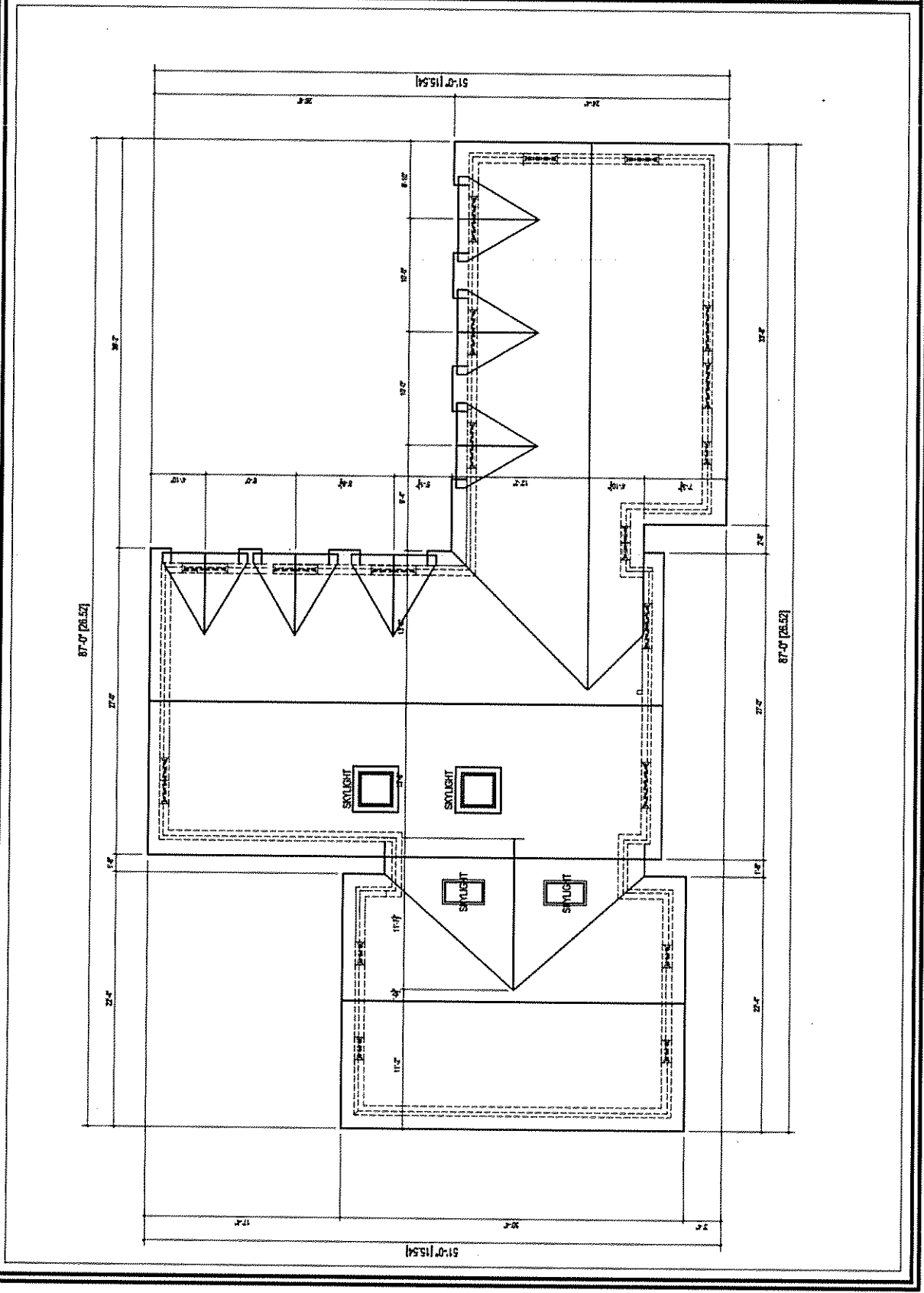
PAAR DESIGN INC.  
 22 FAIRVIEW DR.  
 WILSON, NJ 07094  
 P: 908.830.7000  
 WWW.PAARDDESIGN.COM

PROJECT:

No. 39  
**ARTISAN TRAIL**  
 2 STOREY DWELLING  
 SCALE: 1/8"=1'-0"



A 05



NO.	DATE	DESCRIPTION
1	07-18-2016	REVISION 1
2	11-14-2016	REVISED FOR BIDDING PER 10/17/17
3	08-17-2016	REVISED FOR PERMITS AND FINISH MATERIALS

REVISIONS

DATE

DESCRIPTION

NO.

DATE

DESCRIPTION

1

07-18-2016

REVISION 1

2

11-14-2016

REVISED FOR BIDDING PER 10/17/17

3

08-17-2016

REVISED FOR PERMITS AND FINISH MATERIALS

PROJECT

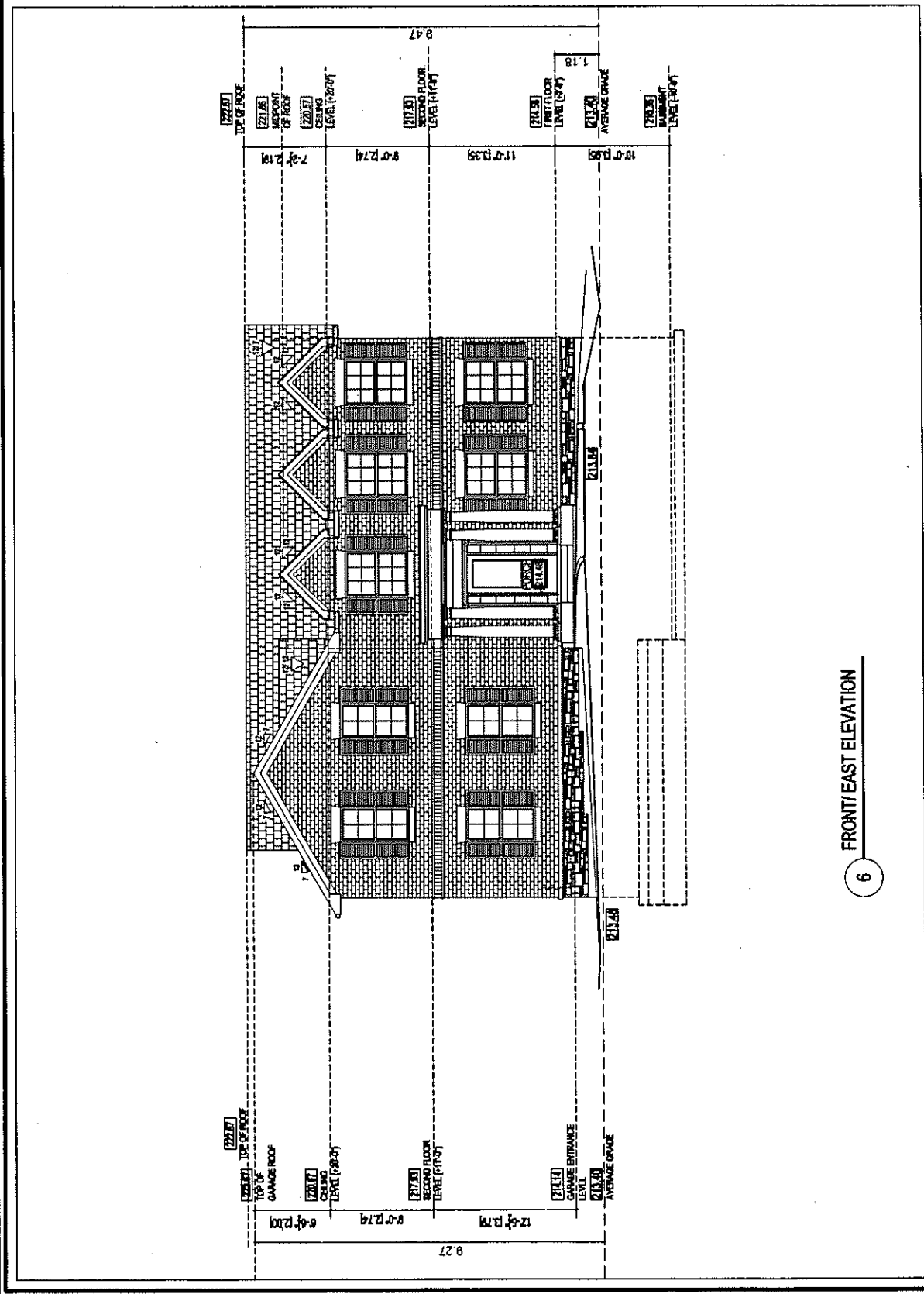
No. 38  
ARTISAN TRAIL  
2 STOREY DWELLING

FRONT/EAST ELEVATION

Scale: 1/8"=1'-0"

PAAR DESIGN INC.  
10000 100th Ave. S.E.  
Bellevue, WA 98004  
Tel: 206.461.1111  
Fax: 206.461.1112  
www.paardesign.com

A 06



6 FRONT/EAST ELEVATION



NO.	DATE	DESCRIPTION
1	14 FEB 2016	REVISED 1
2	17 MAR 2016	REVISED FOR ZONING REVIEW
3	06 JUL 2016	REVISED FOR PERMITS AND PERMITS REQUIREMENT

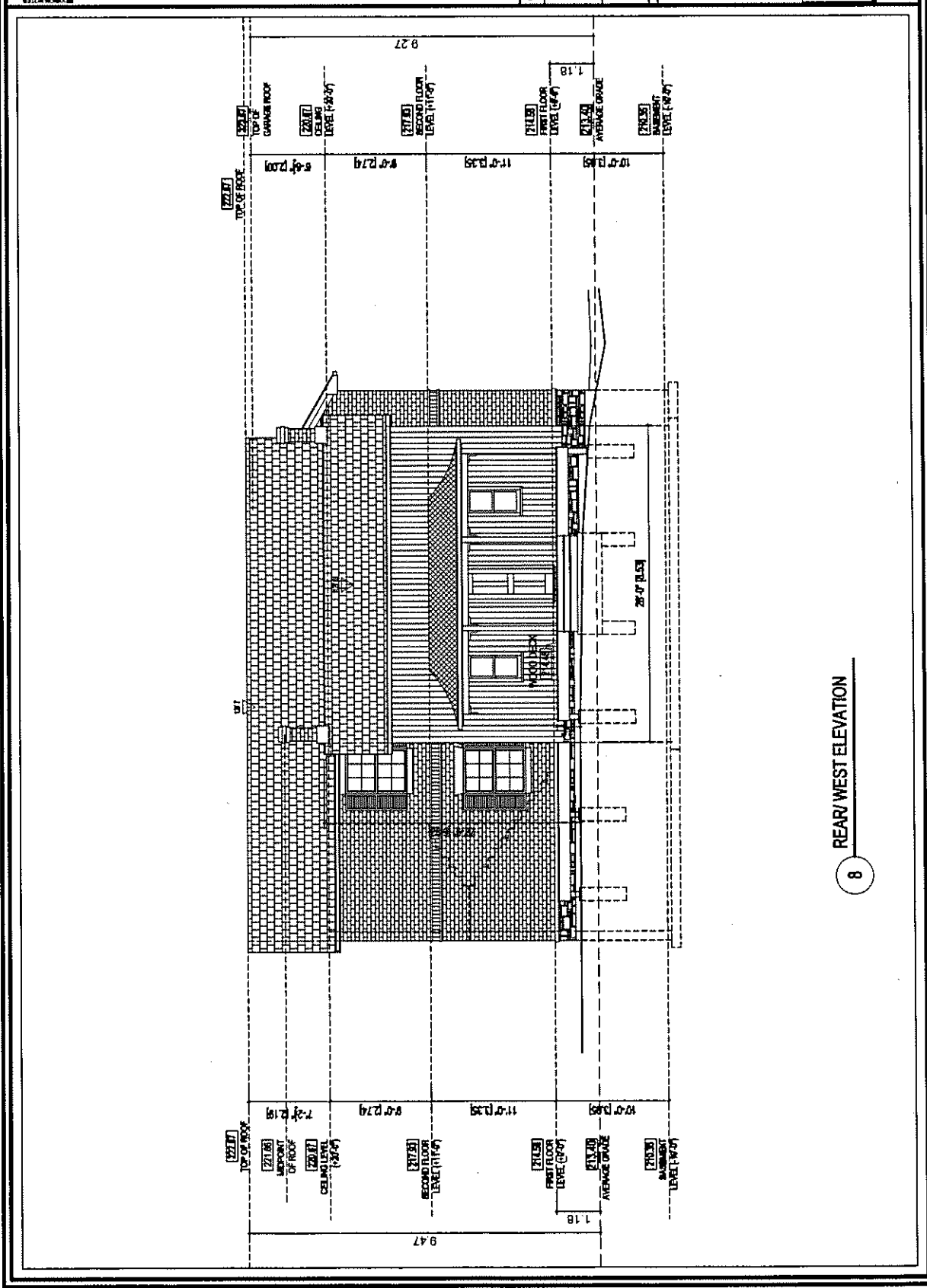
PROJECT: No. 38 ARTISAN TRAIL 2 STOREY DWELLING REAR/WEST ELEVATION  
 SCALE: 1/8"=1'-0"

PAAR DESIGN INC.  
 1000 WEST 10TH AVENUE  
 SUITE 100  
 DENVER, CO 80202  
 TEL: 303.733.8888  
 WWW.PAARDENIGN.COM

**PAAR DESIGN**

PAAR DESIGN INC.  
 1000 WEST 10TH AVENUE  
 SUITE 100  
 DENVER, CO 80202  
 TEL: 303.733.8888  
 WWW.PAARDENIGN.COM

A 08



8 REAR/WEST ELEVATION

