

Memorandum to the City of Markham Committee of Adjustment

March 23, 2021

File: A/115/20
Address: 28 Mintleaf Gate, Markham
Applicant: Fred Tan
Agent: Stephen King
Hearing Date: Wednesday April 07, 2021

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

The applicant is requesting relief from the following "Sixth Density - Single Family Residential (R6) zone requirements of By-law 163-78, as amended, as they relate to a proposed addition over an existing garage. The variances requested are to permit:

a) Section 6.5 (a):

a minimum front yard setback of 6.08 m (19.95 ft), whereas the By-law requires a minimum of 8.0 m (26.25 ft); and

b) Section 7.2 (b):

a minimum interior side yard of 1.2 m (4 ft), whereas the By-law requires a minimum of 1.8 m (6 ft) for the two-storey portion of a building.

BACKGROUND

Property Description

The 511.05 m² (5,501 ft²) subject property is located on the west side of Mintleaf Gate, south of 16th Avenue and west of 9th Line. The property is located within a residential neighbourhood comprised of two-storey detached dwellings. There is an existing two-storey detached dwelling on the property, which according to the application form, was constructed in 1985. The surrounding area is comprised of single detached dwellings predominantly developed in the 1980s.

Proposal

The applicant is proposing to construct a second storey addition to the existing dwelling, which will be located above the existing two-garage garage.

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. Section 8.2.3.5 of the 2014 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, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 163-78

The subject property is zoned "Sixth Density - Single Family Residential (R6) under By-law 163-78, as amended, which permits a single detached dwelling. The proposed development does not comply with the By-law requirements with respect to minimum front yard setback and minimum side yard setback.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on February 22, 2021, 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Proposed Garage Addition

The applicant is proposing an addition to the second storey of the existing dwelling, which is located entirely above the existing two-car garage. To facilitate this development, the applicant is requesting variances for a reduction in the minimum required front and side yard setbacks.

The applicant is requesting relief to permit a minimum front yard setback of 6.08 m (19.95 ft), whereas the By-law requires a minimum front yard setback of 8 m (26.25 ft). This is a reduction of approximately 1.92 m (6.3 ft). The applicable zoning by-law includes two front yard setback requirements: a front yard setback requirement of 8 m (26.25 ft) for the main dwelling and 6 m (19.68 ft) for the garage. While the existing garage complies with the required front yard setback of 6 m (19.68 ft), the addition over the existing garage is required to comply with the setback provision of 8 m (26.25 ft).

The applicant is also requesting a minimum side yard setback of 1.2 m (4 ft) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 1.8 m (6 ft) for the two-storey portion of the dwelling. This is a reduction of approximately 0.6 m (2 ft). The existing garage and dwelling complies with the side yard setback of 1.2 m (4 ft) for the first storey and 1.8 m for the second storey. However, since the proposed second storey addition is located above the garage, a variance is required to permit a second storey setback of 1.2 m (4 ft) instead of 1.8 m (6 ft). The intent of having separate side yard setbacks for the first and second storey portions of a building is to maintain adequate spacing between homes as the building height increases.

It is important to note that the requested variances are entirely attributable to the addition above the existing garage. The main floor of the detached dwelling complies with both the minimum front and side yard setback requirements. While the proposal will add some massing to the front of the dwelling, the proposed addition makes appropriate use of the existing building while allowing the applicant to expand their living space. Staff are of the opinion that the proposed addition will not have a marked impact to adjacent properties and that the requested variances are appropriate for the development of the lands.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 26, 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.

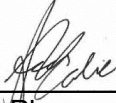
CONCLUSION

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. 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, East District

REVIEWED BY:



Stephen Corr, Senior Planner, East District

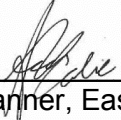
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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/115/20

1. The variances apply only to the proposed development as long as it remains; and
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, 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.

CONDITIONS PREPARED BY:

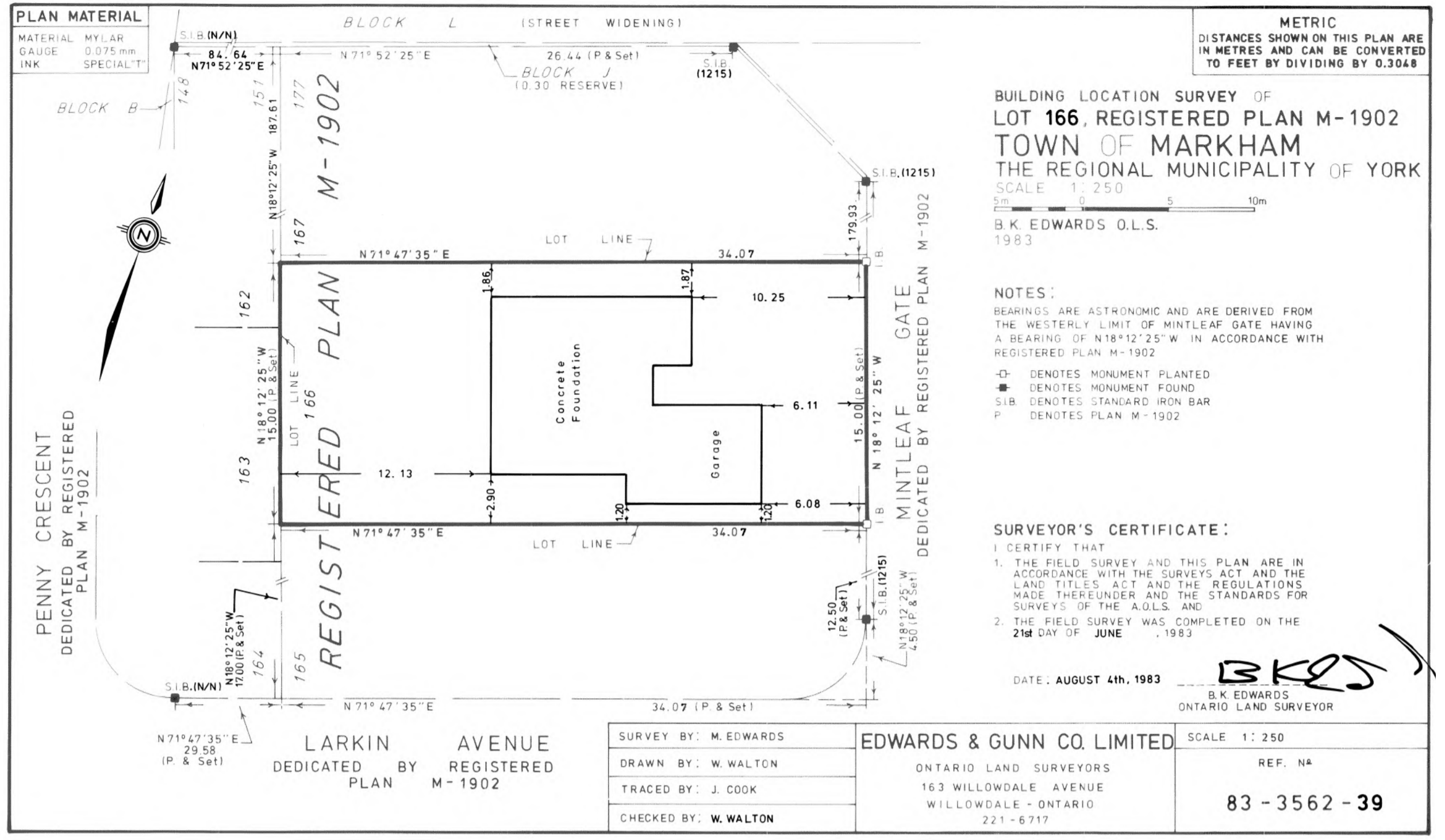


Aqsa Malik, Planner, East District

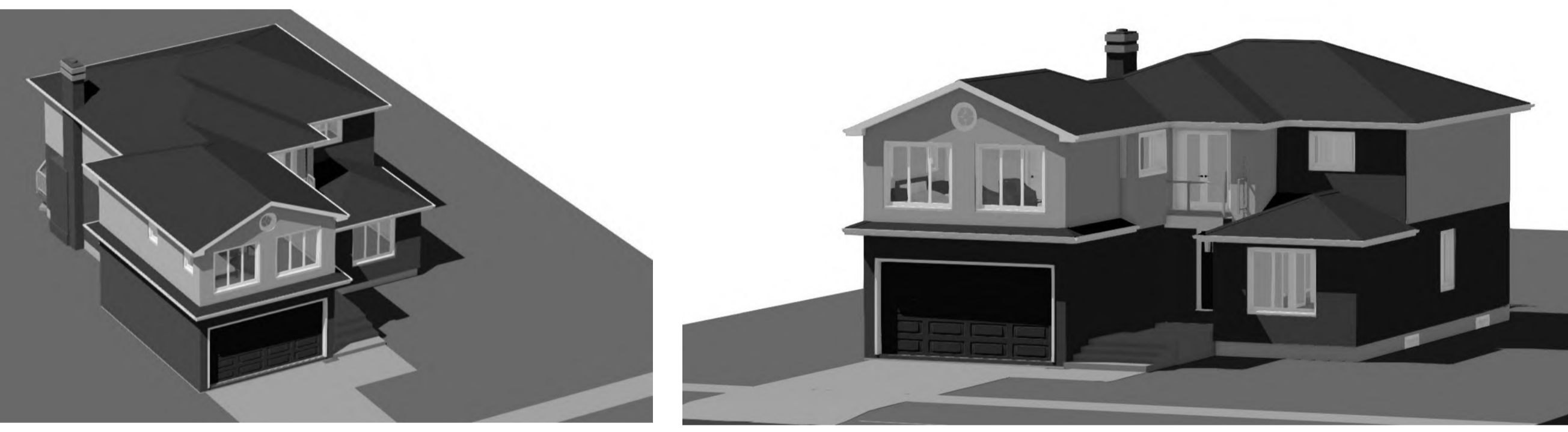
| Label | Title | Description/Comments |
|-------|---|----------------------|
| A-1 | SURVEY, SITE PHOTO, LIST OF DRAWINGS, SITE PLAN | |
| A-2 | BASEMENT FLOOR PLAN | |
| A-3 | FIRST FLOOR PLAN | |
| A-4 | SECOND FLOOR PLAN | |
| A-5 | EAST & NORTH ELEVATIONS | |
| A-6 | WEST & SOUTH ELEVATIONS | |
| A-7 | SECTIONS | |
| A-8 | SECOND FLOOR DETAIL PLAN | |



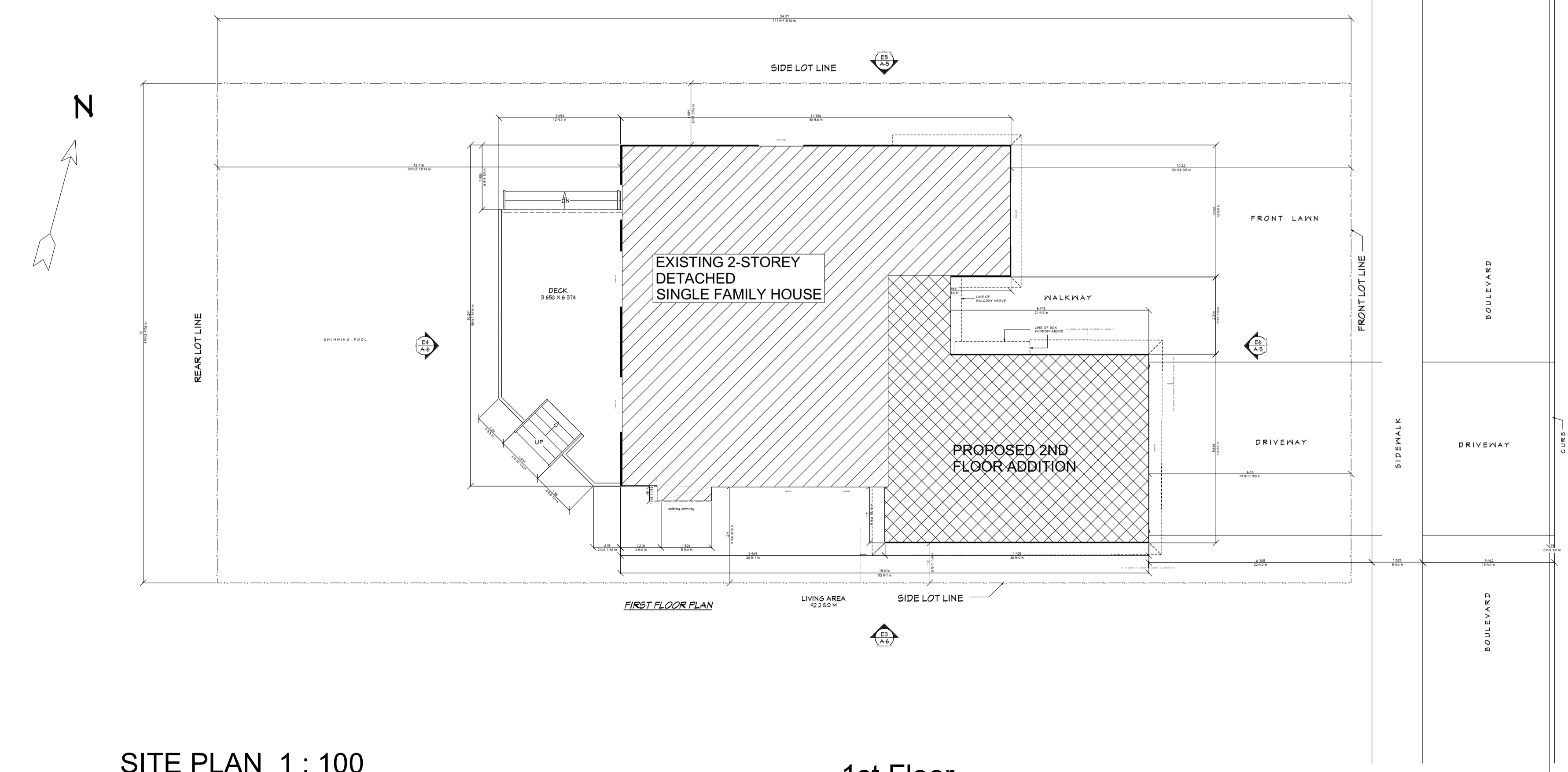
Google SITE PHOTO FROM STREET



SURVEY PROVIDED BY OWNER



PERSPECTIVE VIEWS FROM STREET



SITE INFORMATION :

| | |
|--|------------------------------------|
| ZONING USE | SINGLE FAMILY DETACHED RESIDENTIAL |
| LOT SIZE | 15.00 X 34.07 M = 511.05 SM |
| COVERAGE FLOOR AREAS : | |
| BASEMENT AREA | 97.89 SM |
| FIRST FLOOR AREA (NO GARAGE) | 98.576 SM |
| SECOND FLOOR AREA EXISTING | 83.798 SM |
| SECOND FLOOR ADDITION | 49.794 SM |
| TOTAL PROPOSED AREA (FIRST & SECOND FLOOR NO GARAGE) | 232.168 SM |
| GARAGE AREA | 43.399 SM |
| SETBACKS (From Survey) : | |
| EAST FRONT SETBACK GARAGE | 6.08 M |
| NORTH SIDE SETBACK | 1.86 M |
| WEST REAR SETBACK | 12.13 M |
| SOUTH SIDE SETBACK GARAGE | 1.2 M |
| PARKING PROVIDED | 2 IN GARAGE |
| LANDSCAPING | EXISTING TO BE MAINTAINED |

SITE INFORMATION

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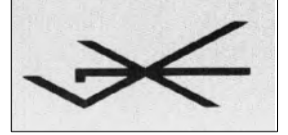
DO NOT SCALE DRAWINGS. DRAWING OR TO CHECK DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES AFFECTING THE WORK PRIOR TO PROCEEDING.

SHEET TITLE:
 SURVEY, SITE PHOTO
 LIST OF DRAWINGS
 SITE PLAN

PROJECT DESCRIPTION:
 28 MINTLEAF GATE
 Markham Ontario L6P 5X3
 PROPOSED 2ND FLOOR
 ADDITION ABOVE GARAGE



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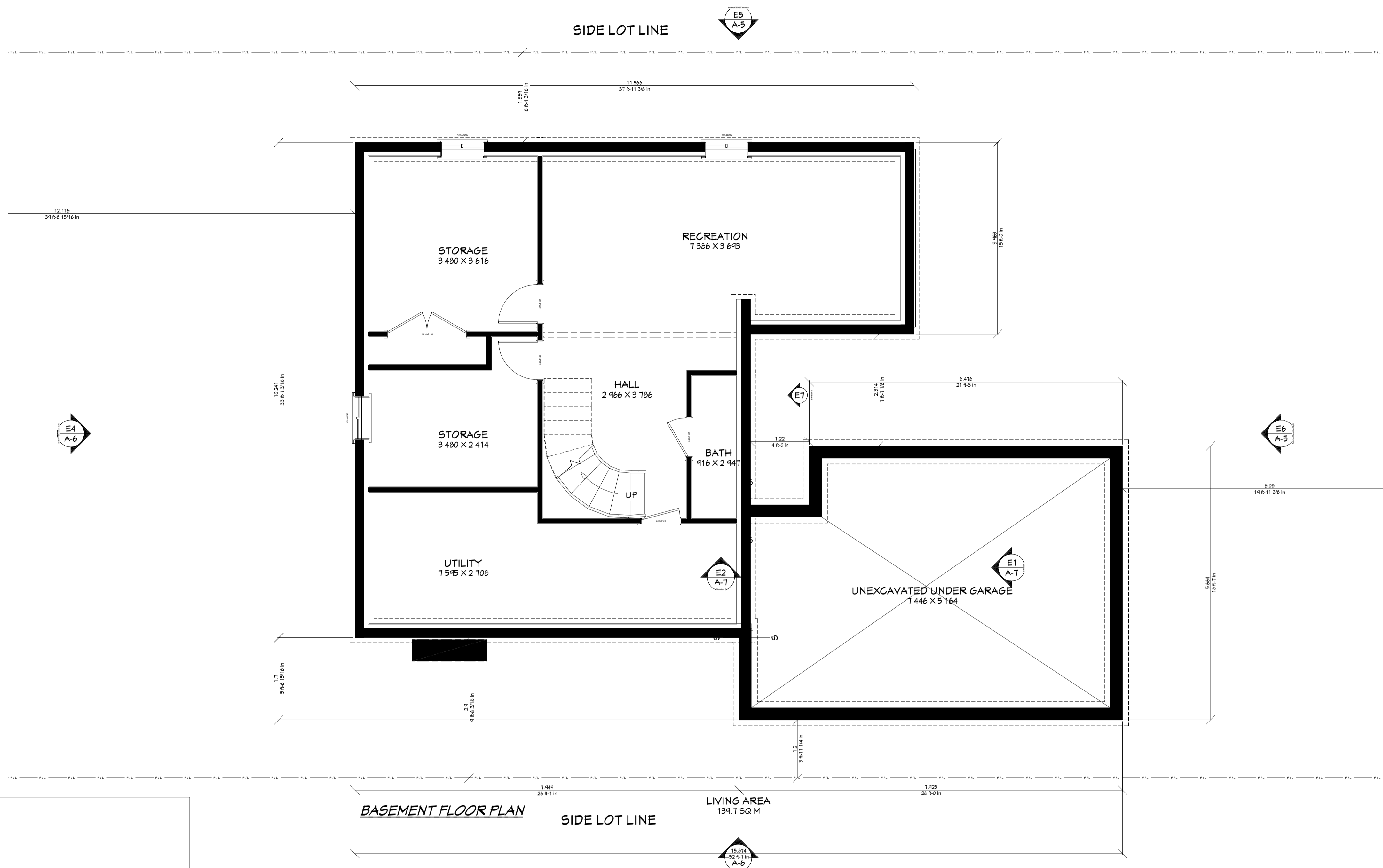


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 Site Plan

SHEET:
 A-1

NOTE: SCALE SIZES SHOWN ARE FOR 24 X 36 SIZE SHEET



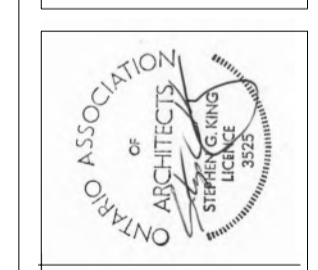
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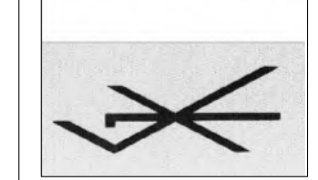
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SHEET TITLE:
BASEMENT PLAN

PROJECT DESCRIPTION:
28 MINTLEAF GATE
 Markham Ontario L6P 5X3
PROPOSED 2ND FLOOR
ADDITION ABOVE GARAGE



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2021-02-01

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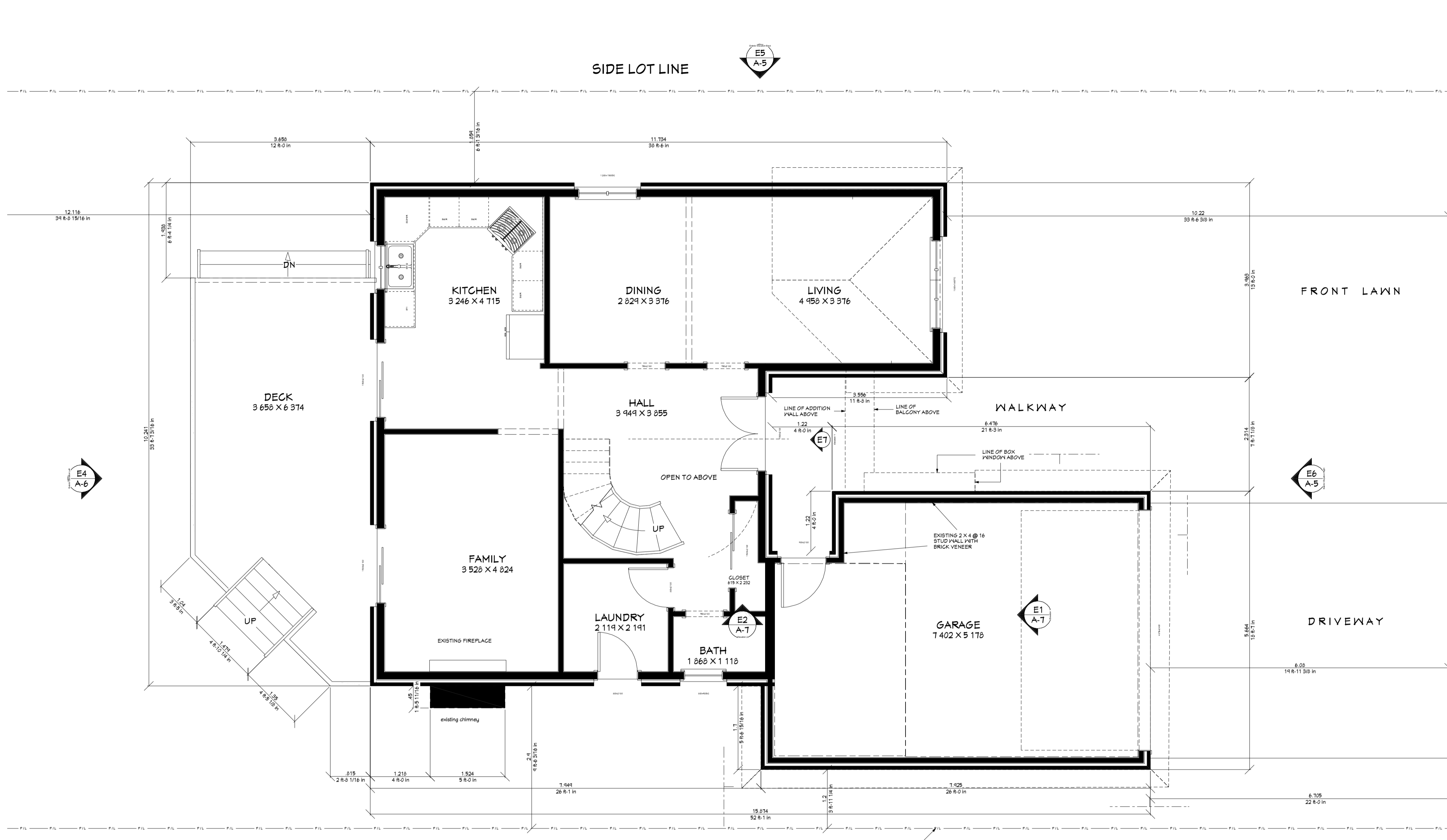
A-2

Drawing Legend

- Existing exterior wall to remain
- Existing interior wall to remain
- Existing wall to be removed as noted
- Line of wall above or below as noted
- New 10" concrete foundation wall on 8" x 24" concrete footing
- New exterior wall 2 x 6 studs at 16" o.c., R-22 batt insulation, min. 5/8" exterior ply sheathing, tyvek house wrap, ventilation and drainage space per OBC and OAA requirements behind cladding, 4" brick with galvanized ties or as noted, 5mil poly v.b. 1/2" drywall with paint
- New interior wall 2 x 4 studs at 16" o.c. with 1/2" drywall both sides, paint finish
- New interior wall 2 x 4 studs at 16" o.c. with 5/8" Type X fire rated drywall both sides, paint finish
- 10" Diameter concrete sonotube min. 4'-0" below grade with galvanized saddle anchor to suit column/beam on top min. 6" above grade
- Concrete pad min. 4'-0" below grade nominal 12" thick x 30" x 30" with 10M both ways at 6" rein.
- B.U.B. Built up beam as noted
- L-1 3-2 x 6 wood lintel
- L-2 3-2 x 8 wood lintel
- L-3 3-2 x 10 wood lintel
- L-4 3-2 x 12 wood lintel
- SL-1 Steel Lintel
- Smoke and CO Detector (1 required for each floor as per code and by-laws applicable)

Foundation

NOTE: SCALE SIZES SHOWN ARE FOR 24 X 36 SIZE SHEET



FIRST FLOOR PLAN

LIVING AREA
42.2 SQ M

SIDE LOT LINE

1st Floor

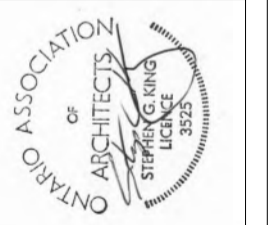
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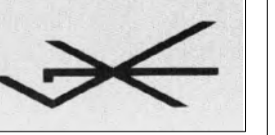
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SHEET TITLE:
FIRST FLOOR PLAN

PROJECT DESCRIPTION:
28 MINTLEAF GATE
Markham Ontario L6P 5X3
PROPOSED 2ND FLOOR
ADDITION ABOVE GARAGE



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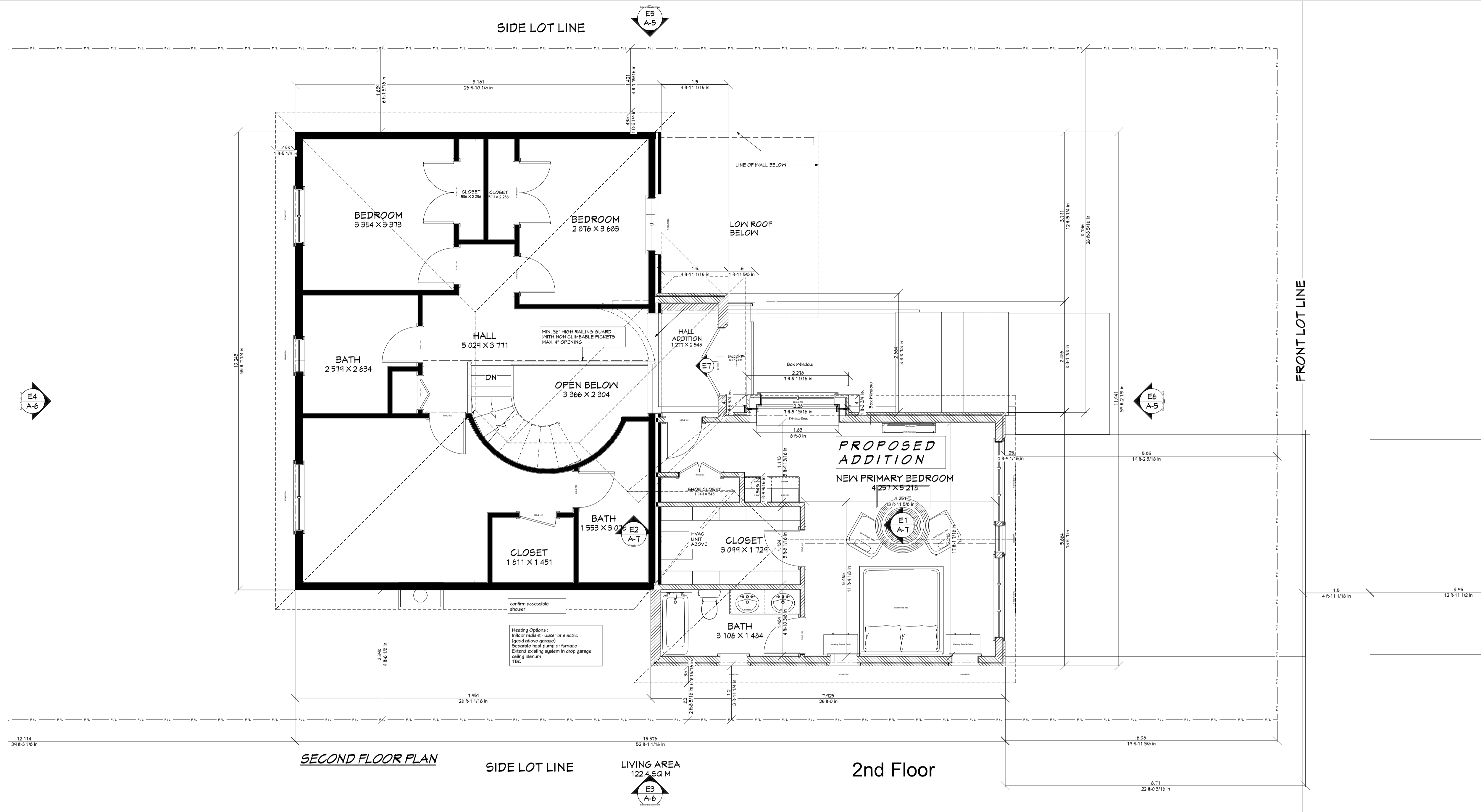
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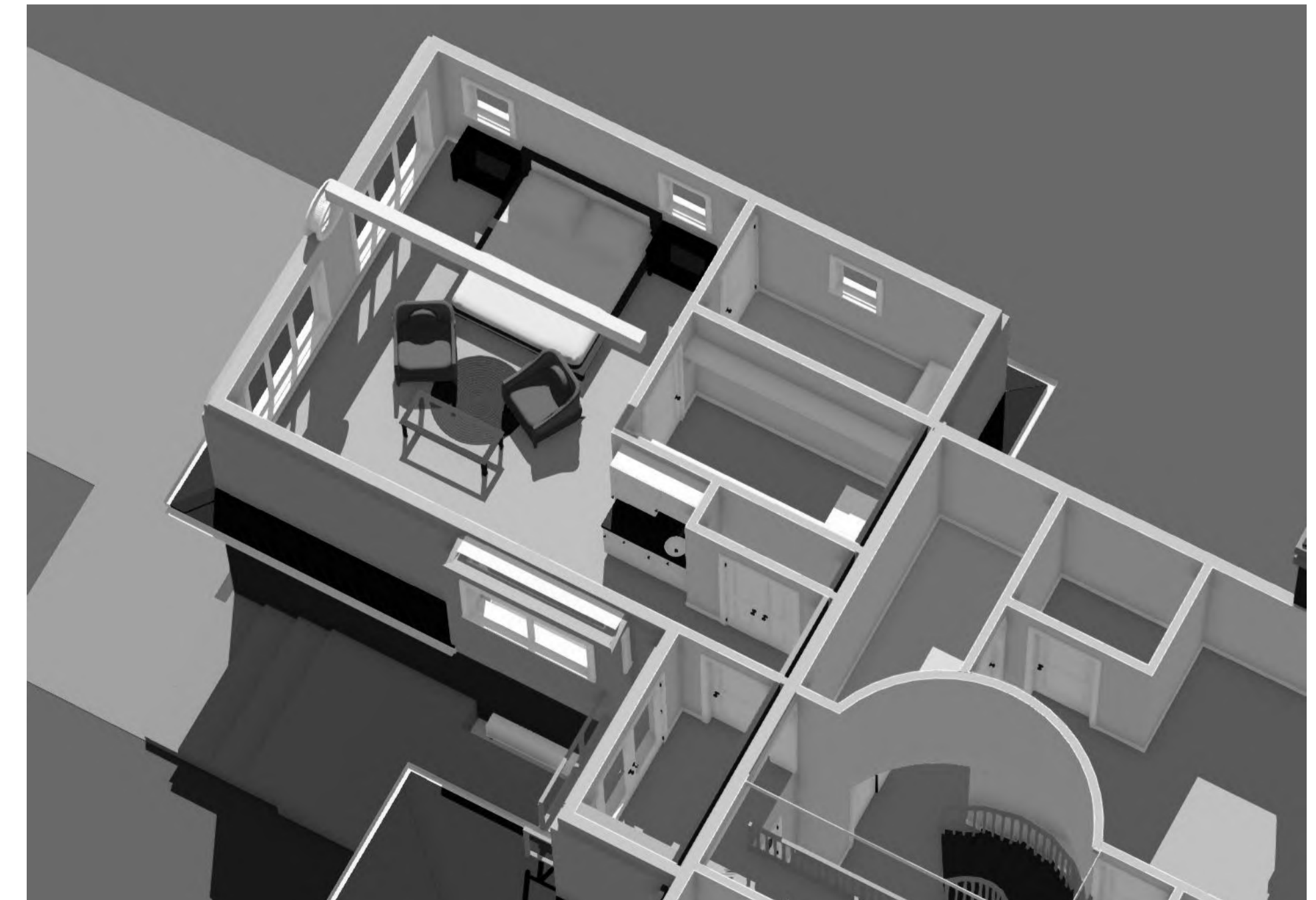
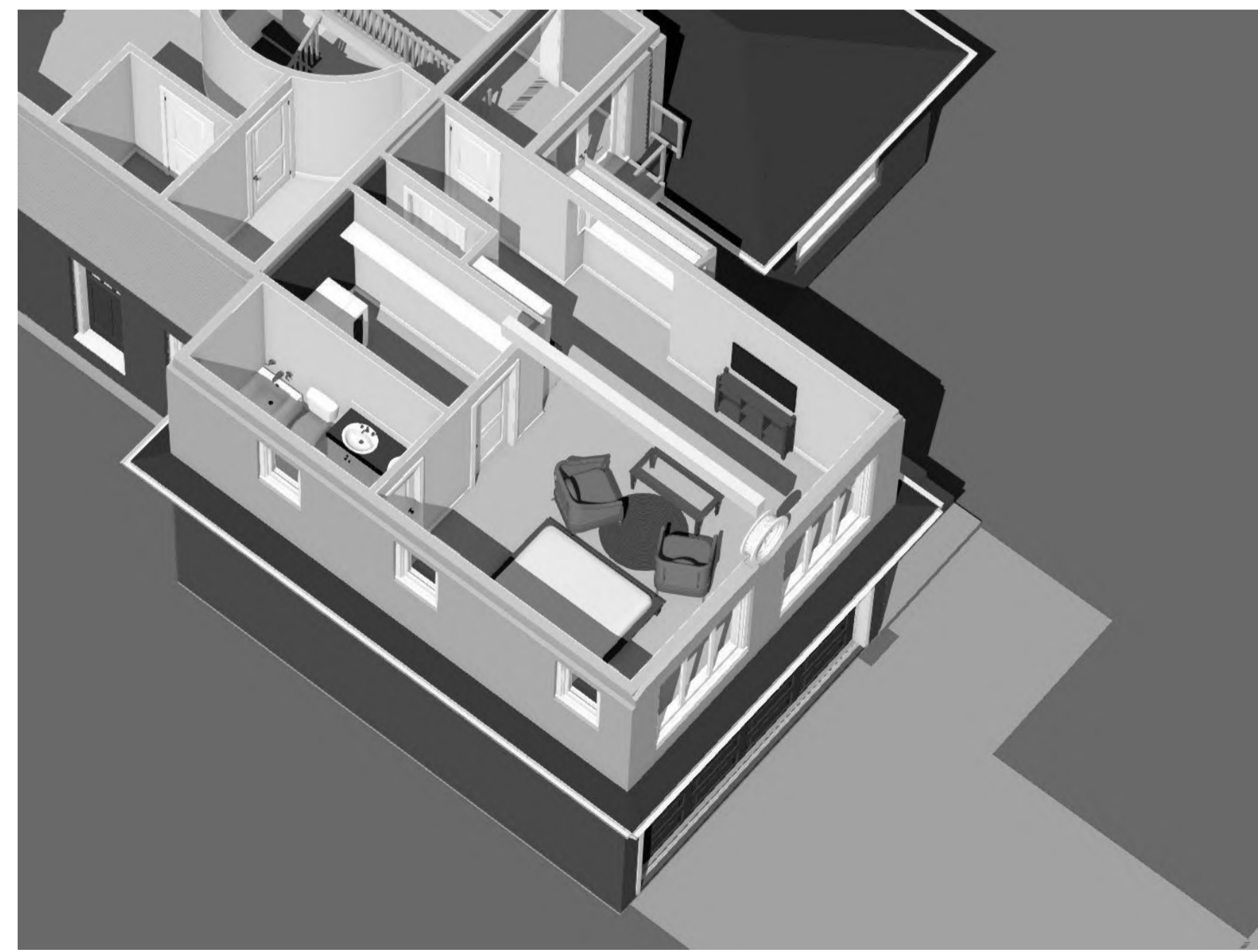
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SHEET TITLE:
SECOND FLOOR PLAN

PROJECT DESCRIPTION:
28 MINTLEAF GATE
 Markham Ontario L6P 5X3
PROPOSED 2ND FLOOR
ADDITION ABOVE GARAGE



3D VIEWS

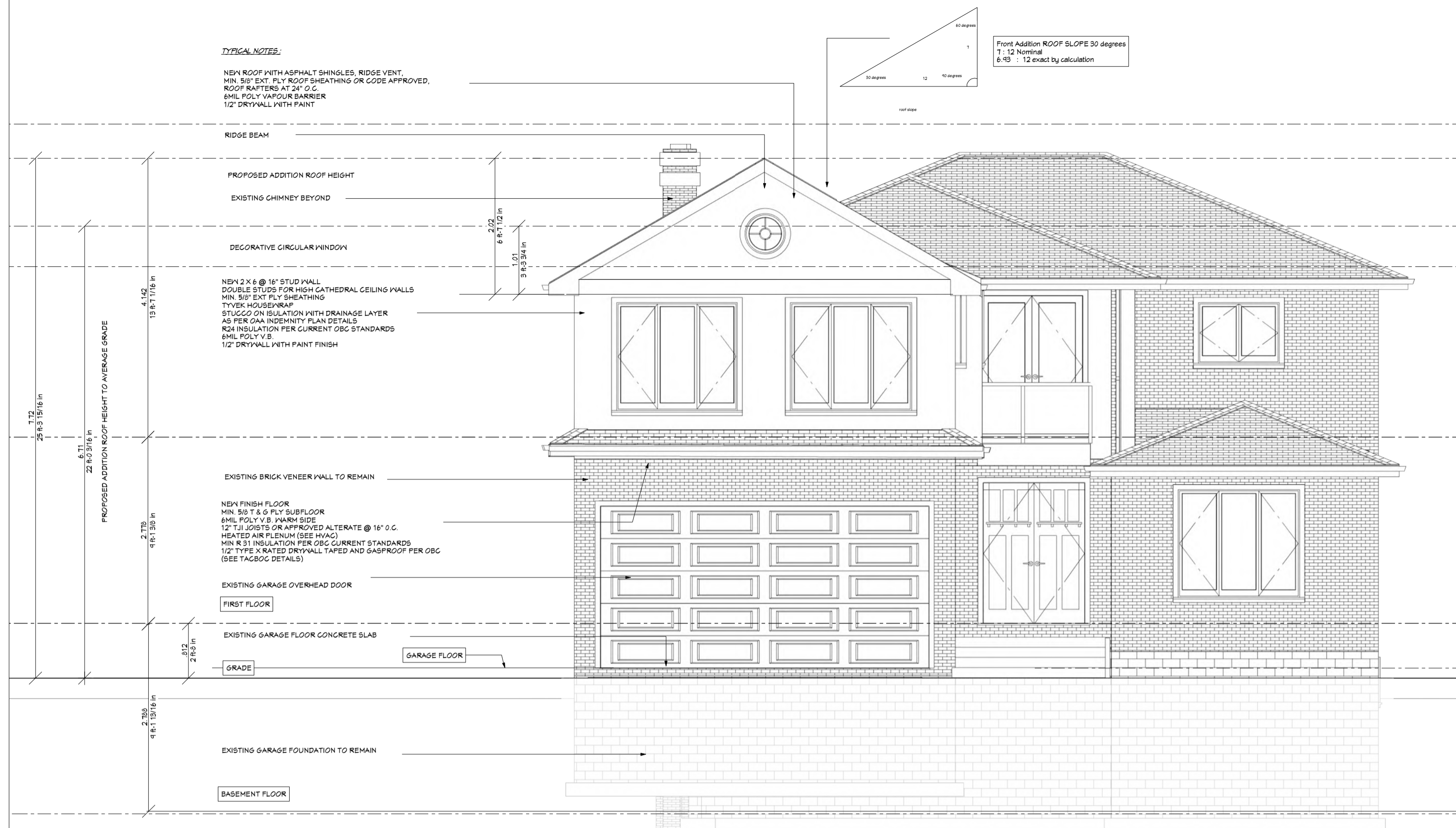
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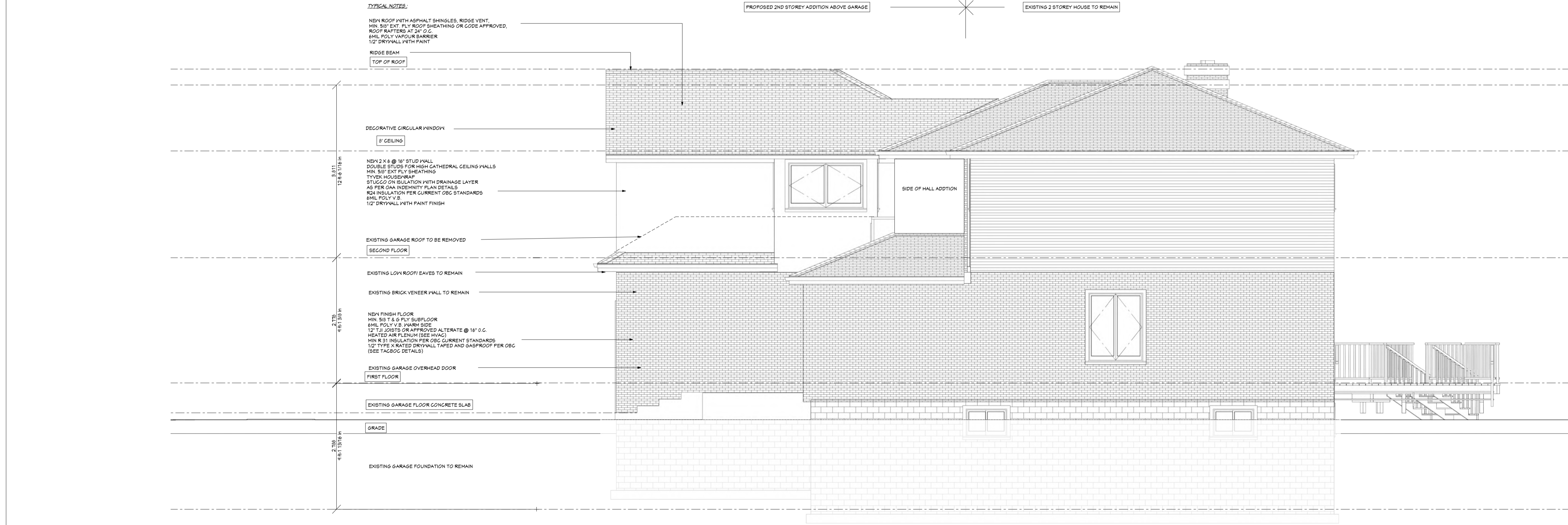


ARTIST'S IMPRESSION FOR REFERENCE

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EAST ELEVATION - FRONT Mintleaf Gate

Exterior Elevation Right



NORTH ELEVATION - SIDE

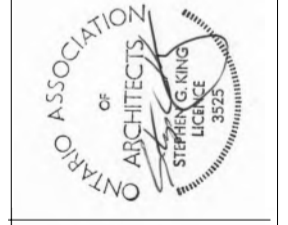
Exterior Elevation Back

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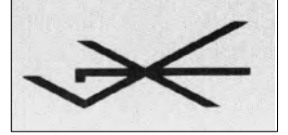
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**EAST & NORTH
 ELEVATIONS**

PROJECT DESCRIPTION:
**28 MINTLEAF GATE
 Markham Ontario L6P 5X3
 PROPOSED 2ND FLOOR
 ADDITION ABOVE GARAGE**



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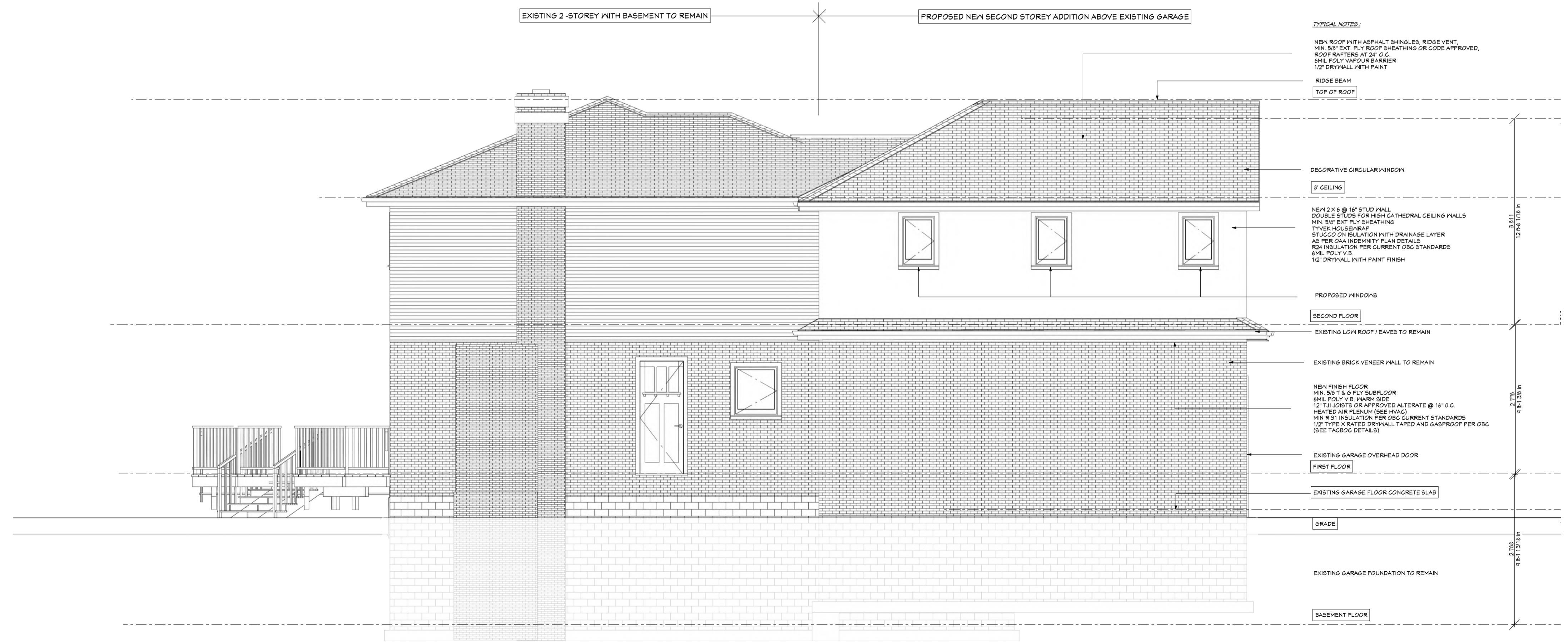
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NOTE: SCALE SIZES SHOWN
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WEST ELEVATION - BACK

Exterior Elevation Left



SOUTH ELEVATION - SIDE

Exterior Elevation Front

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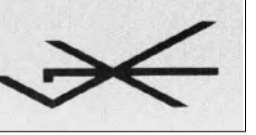
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SHEET TITLE:
**WEST & SOUTH
 ELEVATIONS**

PROJECT DESCRIPTION:
**28 MINTLEAF GATE
 Markham Ontario L6P 5X3
 PROPOSED 2ND FLOOR
 ADDITION ABOVE GARAGE**



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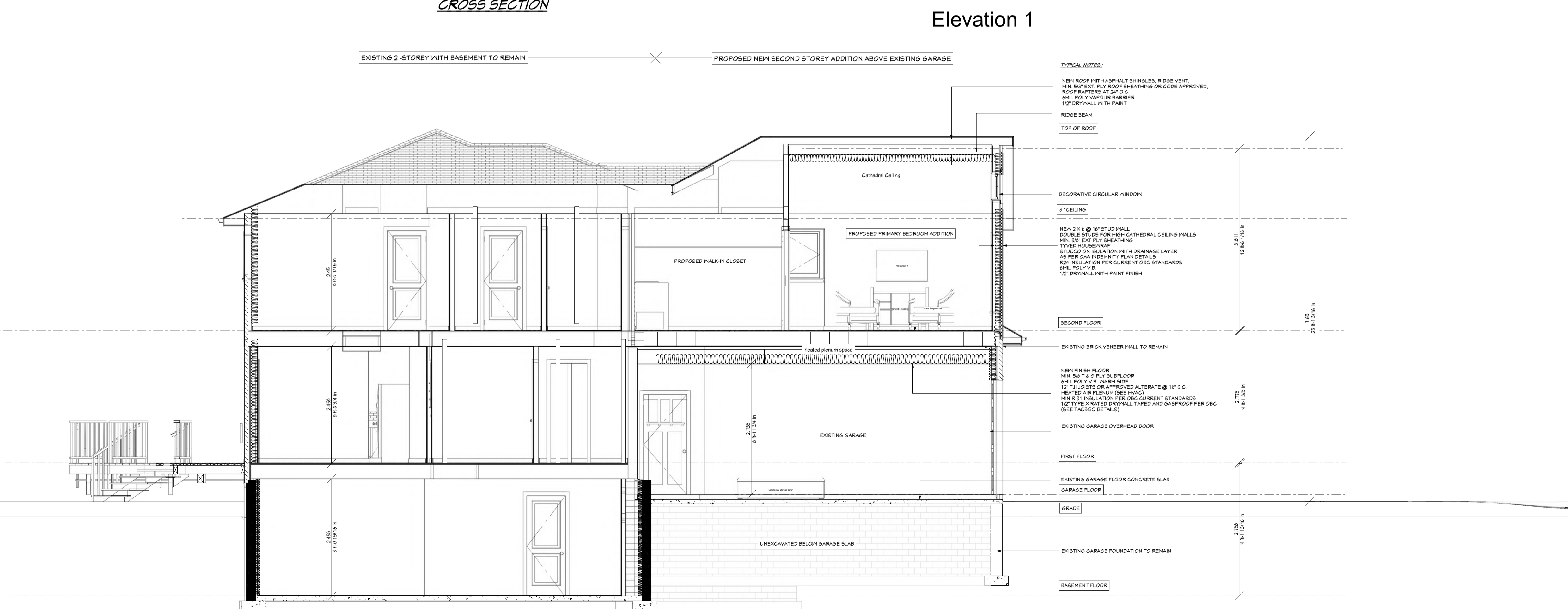
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CROSS SECTION

Elevation 1



LONGITUDINAL SECTION

Elevation 2

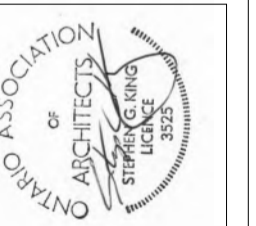
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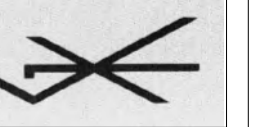
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SHEET TITLE:
SECTIONS

PROJECT DESCRIPTION:
28 MINTLEAF GATE
 Markham Ontario L6P 5X3
PROPOSED 2ND FLOOR
ADDITION ABOVE GARAGE



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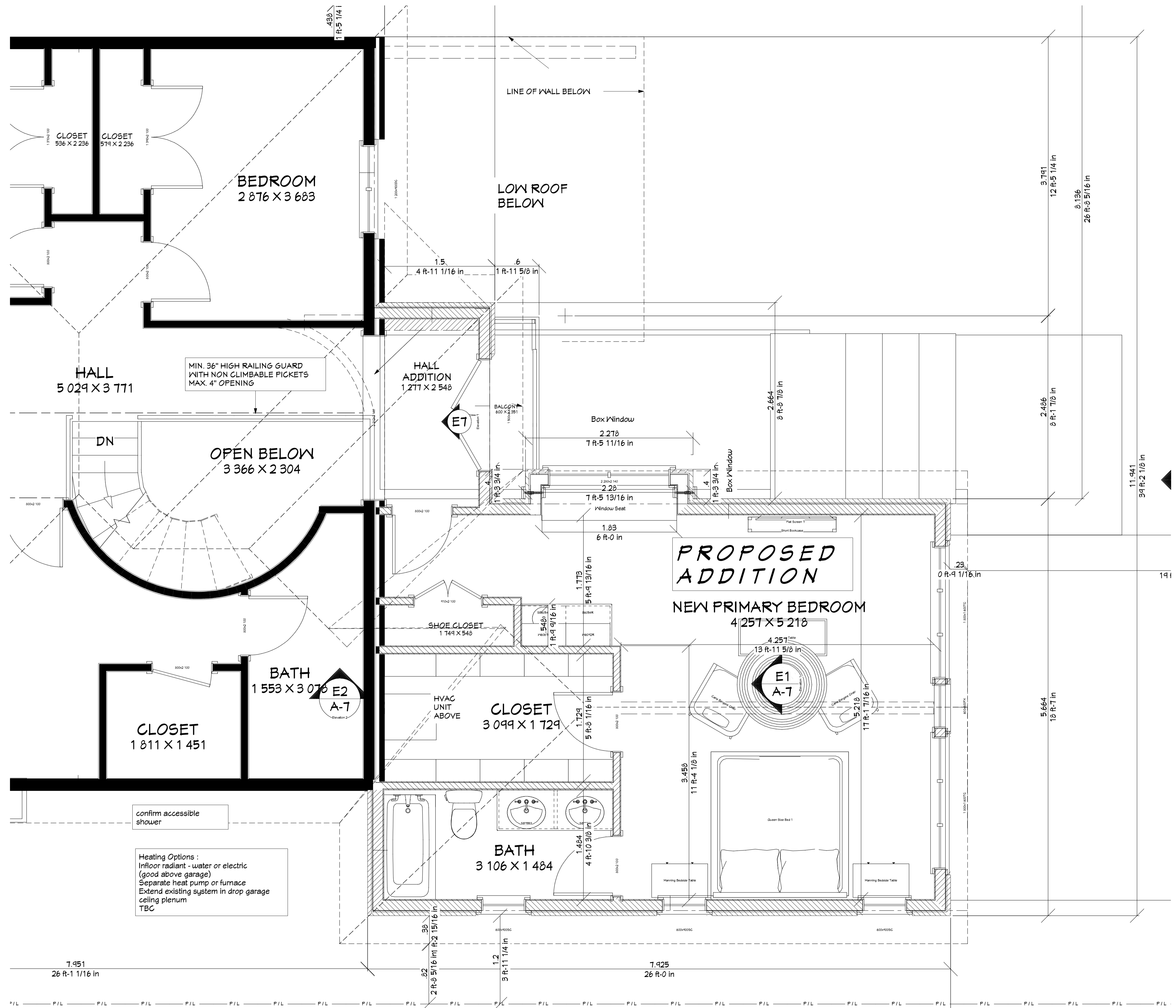
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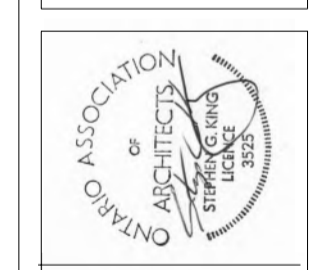
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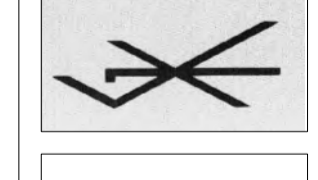
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SHEET TITLE:
**SECOND FLOOR
 DETAIL PLAN**

PROJECT DESCRIPTION:
**28 MINTLEAF GATE
 Markham Ontario L6P 5X3
 PROPOSED 2ND FLOOR
 ADDITION ABOVE GARAGE**



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DATE:

2021-02-01

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