

## Memorandum to the City of Markham Committee of Adjustment

April 9<sup>th</sup>, 2019

**File:** A/134/18  
**Address:** 127 Sherwood Forest Dr, Markham  
**Applicant:** Shuang Liu  
**Agent:** Dan Zhou  
**Hearing Date:** Wednesday April 24, 2019

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

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended, to permit:

- a) **Section 11.2(c)(i):** an unenclosed/uncovered porch and steps to encroach a maximum of 5.76 feet into the required front yard setback, whereas the By-law permits a maximum encroachment of 18 inches into any required yard; as it relates to an addition of a deck to an existing two storey dwelling.

The Committee of Adjustment deferred the application on October 24<sup>th</sup>, 2018, due to concerns with the existing hedge and height of the proposed porch. In response to the Committee of Adjustment's comments, the applicant submitted revised drawings on April 4<sup>th</sup>, 2019 (Appendix 'B1'). The applicant previously requested relief for an unenclosed/uncovered porch and steps to encroach a maximum of 102.96 inches (8.58 ft) into the required front yard setback. The applicant is now requesting relief for an unenclosed/uncovered porch and steps to encroach a maximum of 69.12 inches (5.76 ft) into the required front yard setback, whereas the By-law permits a maximum encroachment of 18 inches (1.5 ft) into any required yard.

While the unenclosed/uncovered porch step encroachment variance has decreased and, the applicant has revised their proposal by re-orienting the stairs, reducing the height, and increasing their setback to the exterior side yard, the overall deck size has increased. The original unenclosed/uncovered porch and steps projected 8.65 ft into the required front yard and provided a setback of approximately 21.59 ft from the front lot line. The revised unenclosed/uncovered porch projects 12.5 ft into the required front yard and provides a setback of approximately 17.74 ft from the front property line. The revisions will result in a development that will not be in keeping with the front yard setbacks provided on the street where the minimum required front yard setback is 25 ft.

Staff recognize that the property has a unique configuration, as it is oriented towards Bud Lane but Sherwood Forest Drive is considered the front yard under the zoning By-law. Notwithstanding the efforts made by the applicant and the unique configuration of the existing dwelling, the proposal presents an increased unenclosed/uncovered porch size that reduces the setback on Sherwood Forest Drive, which is smaller than neighbouring properties. This will affect the established front yard setback pattern on the street and overall character of the street. Staff are of the opinion that the requested variance is not appropriate nor desirable development.

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, *"The dwelling is a corner lot and the house is facing Bud Lane. The front yard by definition has been used as the back yard since it has the most privacy. Please see Google images attached. Also the proposed deck is next to kitchen/dining room area. It will allow us to better enjoy the outdoors"*.

**Zoning Preliminary Review (ZPR) not Undertaken**

The applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. It is the owner'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 request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of April 10<sup>th</sup>, 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 does not meet the four tests of the Planning Act and that the application be denied. Staff recommend that the Committee consider public input in reaching a decision.

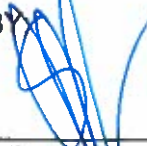
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

PREPARED BY:



\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



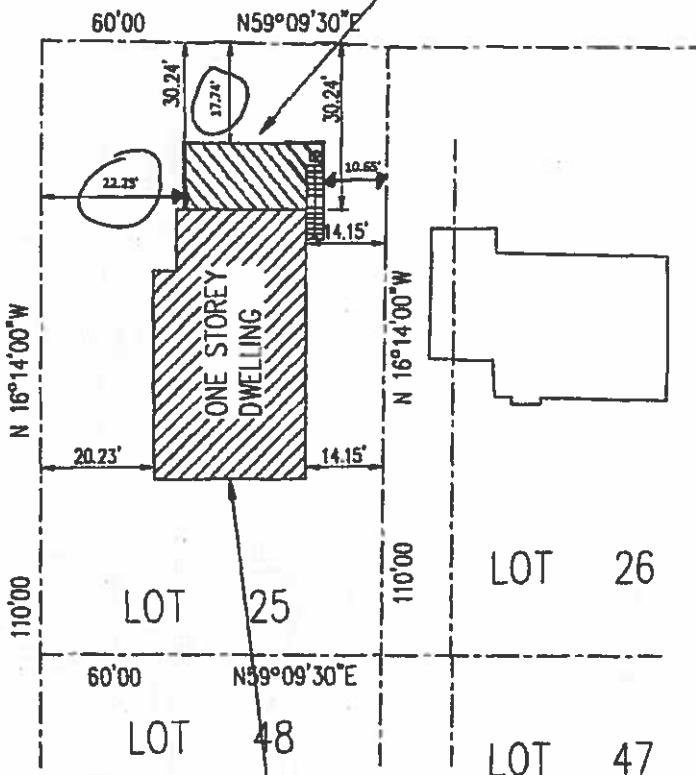
\_\_\_\_\_  
Stacia Muradali, Senior Planner, East District

File Path: Amanda\File\ 18 248361 \Documents\District Team Comments Memo

SHERWOOD FOREST DRIVE

PROPOSED NEW DECK  
ON GROUND FLOOR

BUD LANE

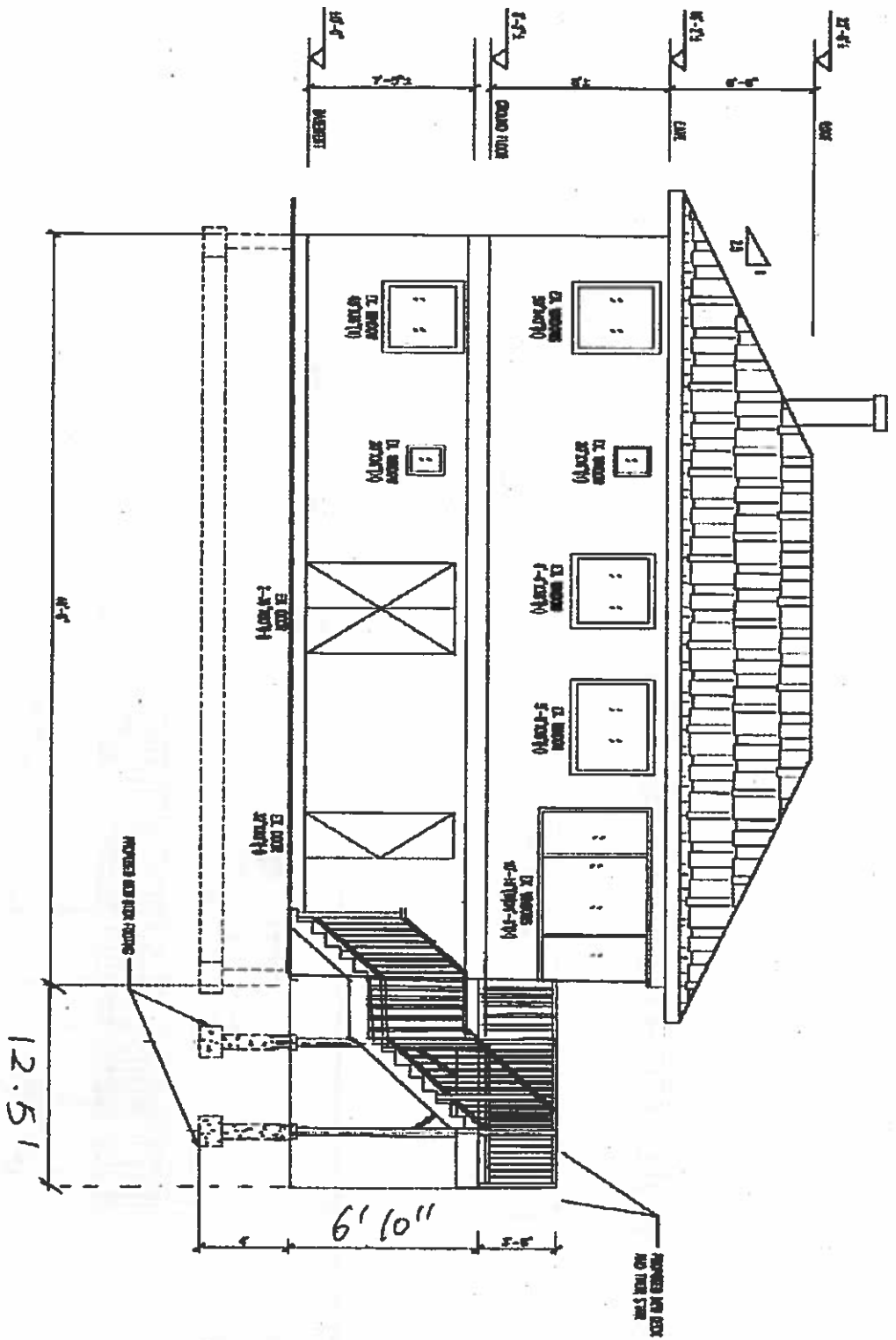


PROPOSED INTERIOR RENOVATION  
FOR THE BUILDING

# SITE PLAN







PROPOSED REAR ELEVATION



**Leung, Justin**

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**From:** Malik, Aqsa  
**Sent:** Monday, October 22, 2018 9:29 AM  
**To:** Leung, Justin  
**Subject:** RE: 127 Sherwood Forest Dr

Hi Justin,

The original report is still applicable - there were no revisions from the applicant – and it should be good to go.

Best,  
Aqsa

Aqsa Malik , MScPI, Hons.B.Sc  
Planner I | Zoning & Special Projects | City of Markham  
Anthony Roman Centre | 101 Town Centre Boulevard, Markham, ON, L3R 9W3  
T: 905.475.4858 ext. 2944 | [www.markham.ca](http://www.markham.ca)

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**From:** Leung, Justin  
**Sent:** Friday, October 19, 2018 9:19 AM  
**To:** Malik, Aqsa <AMalik@markham.ca>  
**Subject:** 127 Sherwood Forest Dr

Hi Aqsa, you may recall this property's MV application had been deferred as the public notice hadn't gone out. I know you had previously prepared a staff report for this one. Did you want to include email addendum or slightly revise this report before I get it out to public? Thanks.

**Justin Leung, MES(PI) ACST(A) MCIP RPP**  
Secretary-Treasurer, Committee of Adjustment  
Development Services Commission  
City of Markham

101 Town Centre Boulevard  
Markham, Ontario L3R 9W3  
Phone: 905-477-7000 ext. 2051  
Fax: 905-479-7768  
[Jleung@markham.ca](mailto:jleung@markham.ca)



## Memorandum to the City of Markham Committee of Adjustment

October 1, 2018

**File:** A/134/18  
**Address:** 127 Sherwood Forest Dr, Markham  
**Applicant:** Shuang Liu  
**Agent:** Dan Zhou  
**Hearing Date:** Wednesday October 10, 2018

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

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended, to permit:

- a) **Section 11.2(c)(i):** an unenclosed/uncovered porch and steps to encroach a maximum of 8.58 feet into the required front yard setback, whereas the By-law permits a maximum encroachment of 18 inches into any required yard; as it relates to an addition of a deck to an existing two storey dwelling.

The applicant is requesting relief for an unenclosed/uncovered porch and steps to encroach a maximum of 102.96 inches (8.58 ft.) into the required front yard setback, whereas the By-law permits a maximum encroachment of 18 inches (1.5 ft.) into any required yard. This represents a difference of approximately 84.96 inches (7.08 ft.). The property is a corner lot with one property abutting the east side and Bud lane abutting the west side. The proposed porch and steps project from the first floor of the raised bungalow towards Sherwood Forest Drive, the defined front yard. Staff recognize that the property has a unique configuration, it is oriented towards Bud lane but Sherwood Forest Drive is considered the front yard under the Zoning By-law.

There is an existing hedgerow that provides some screening from the street and the neighbouring property. If the hedgerow was to be removed, the deck would be highly visible from the street as it would be projecting into the front yard along Sherwood Forest Drive, there would also be a loss of screening for the abutting neighbour to the east. Staff asked the applicant to consider adding a platform and lowering the proposed porch to reduce the visibility of the proposed deck from the street and the abutting neighbour to the east. The applicant chose to proceed without making any changes. The proposed porch comes off the ground floor of a raised bungalow and provides some screening from the neighbouring property and streets via the existing hedgerow. Given this, Staff are of the opinion that the variance request is appropriate for the unique lot.

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, *"The dwelling is a corner lot and the house is facing Bud Lane. The front yard by definition has been used as the back yard since it has the most privacy. Please see Google images attached. Also the proposed deck is next to kitchen/dining room area. It will allow us to better enjoy the outdoors"*.

### **Zoning Preliminary Review (ZPR) not Undertaken**

The applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. It is the owner'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 request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.



**PUBLIC INPUT SUMMARY**

No written submissions were received as of October 1, 2018. 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.

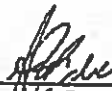
**CONCLUSION**

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, Zoning and Special Projects

REVIEWED BY:



\_\_\_\_\_  
Stacia Muradali, Senior Planner, East District  
File Path: Amanda\Fila\18 24838\Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/134/18**

1. That the porch remain unenclosed and uncovered;
2. The variances apply only to the proposed development as long as it remains;
3. The owner must provide replacement screening if the existing hedgerow is removed, satisfactory to the Director of Planning and Urban Design or their designate;
4. 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 dated September 13, 2018, 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:**

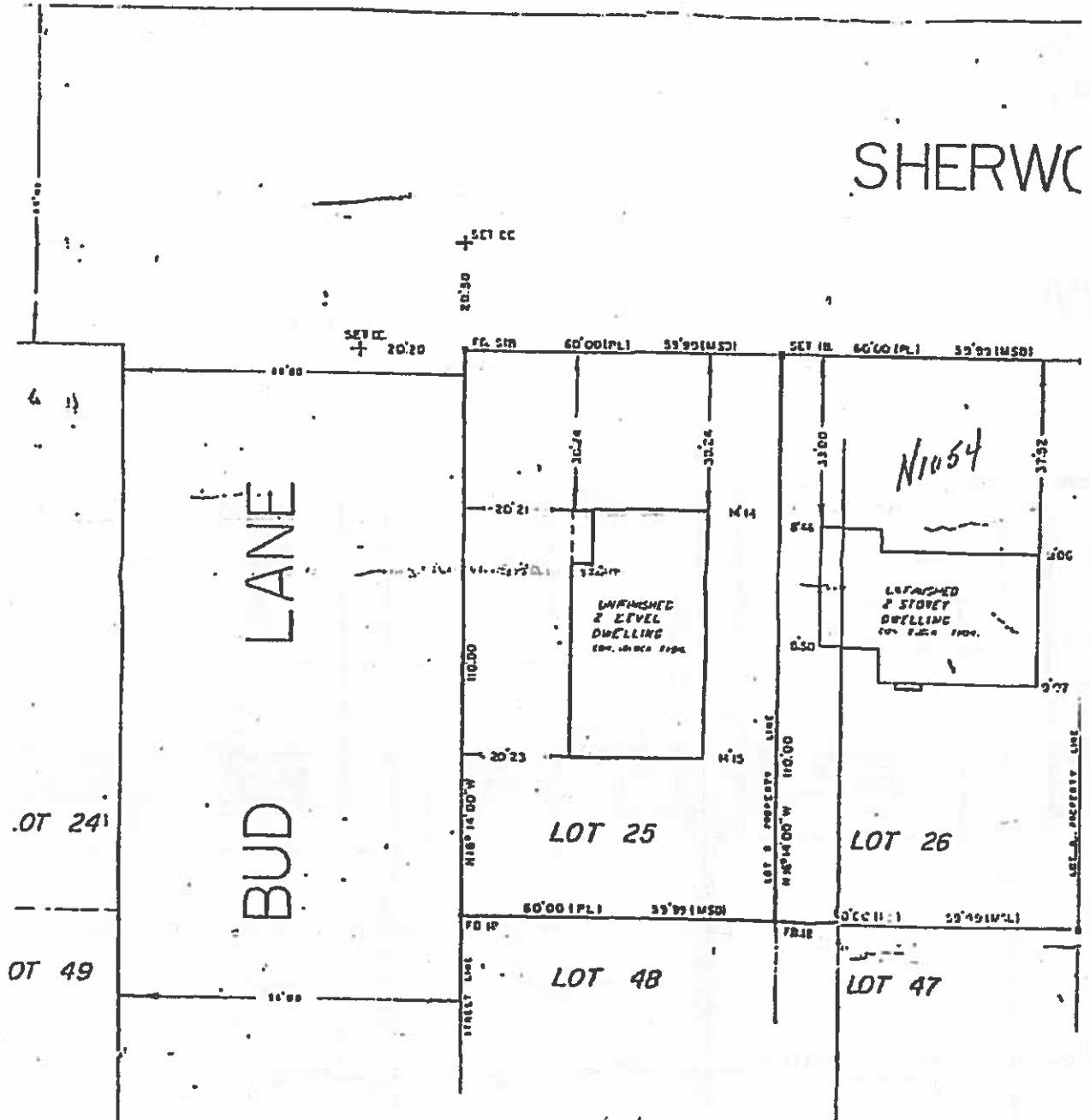


**Aqsa Malik, Planner, Zoning and Special Projects**

APPENDIX B

PLANS OF SURVEY SHOWING LOCATION  
LOTS 25 TO 33 (INC  
TOWNSHIP OF MARKHAM ... COUNTY OF

SHERWOOD



CITY OF MARKHAM  
RECEIVED  
SEP 13 2018  
COMMITTEE OF ADJUSTMENT

THIS WILL  
HOW YOU LOT 26  
BY

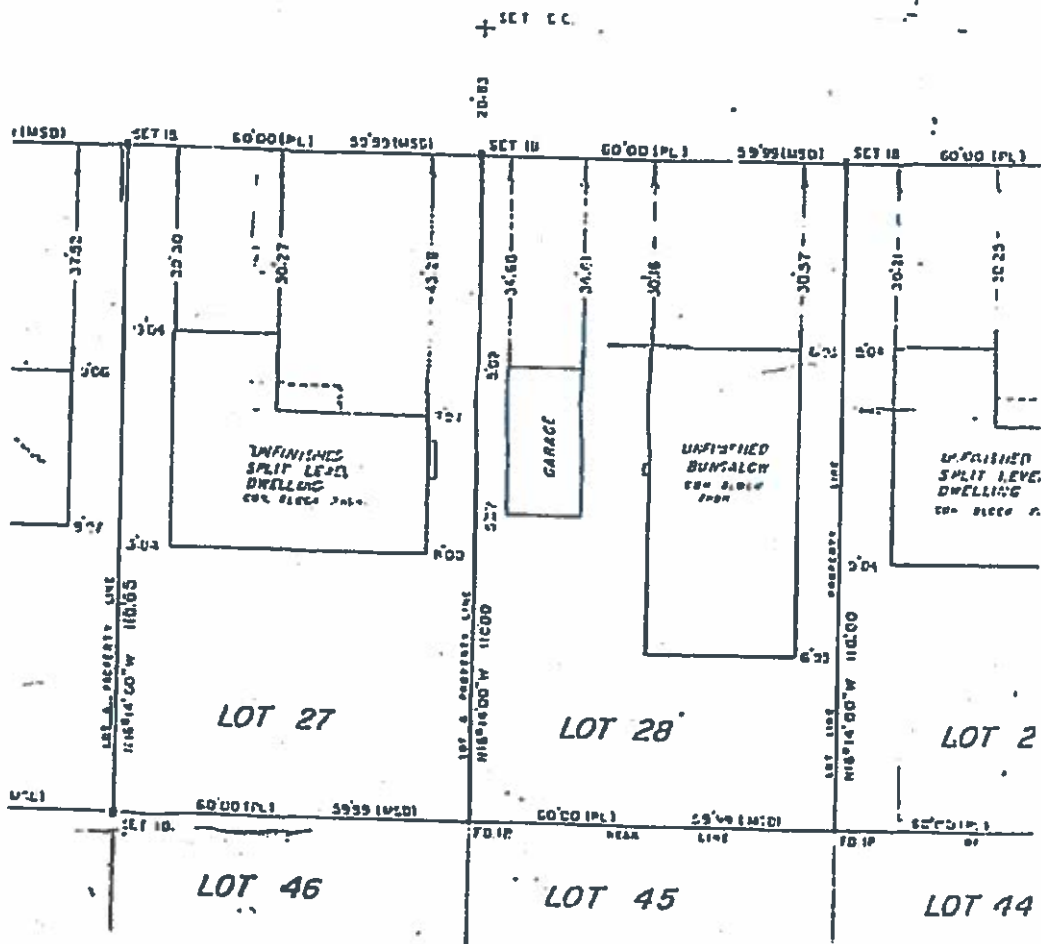
LOCATION OF BUILDING ON  
(INCL.) RP. 5881

COUNTY OF YORK BEING IN THE VILLAGE OF MARKHAM.

RWOOD

N73°45'00"E ACCORDING BEARING PER RP 5881

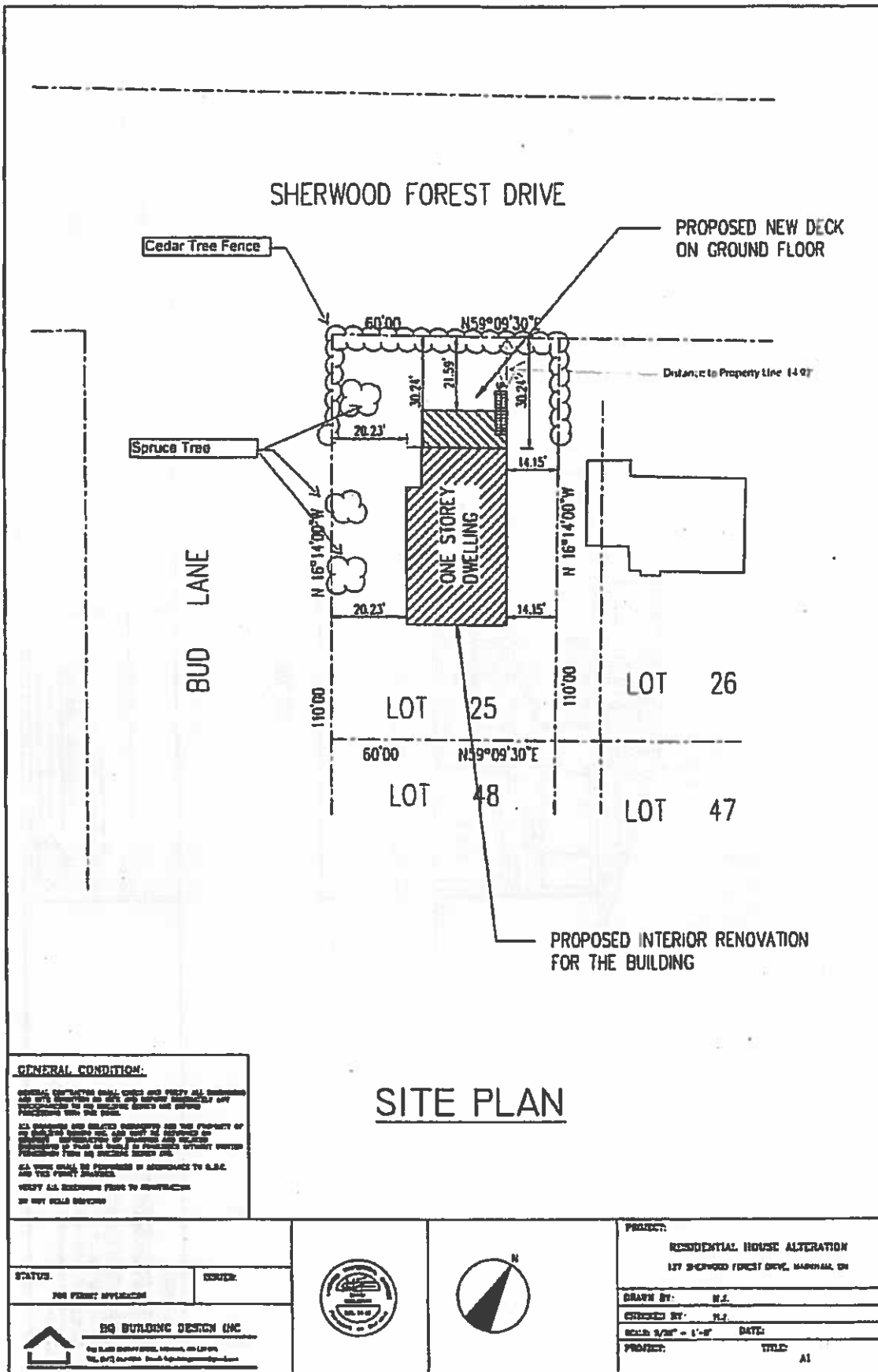
FOREST

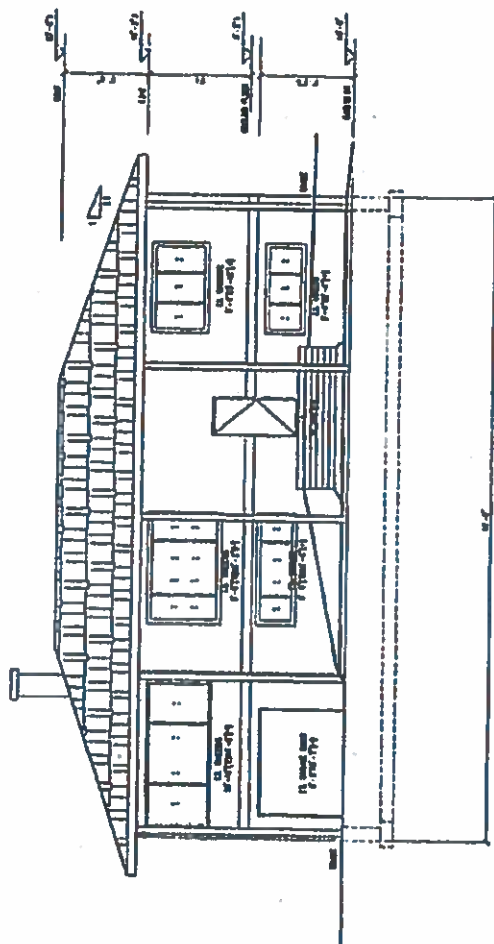


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work sheet

of 26



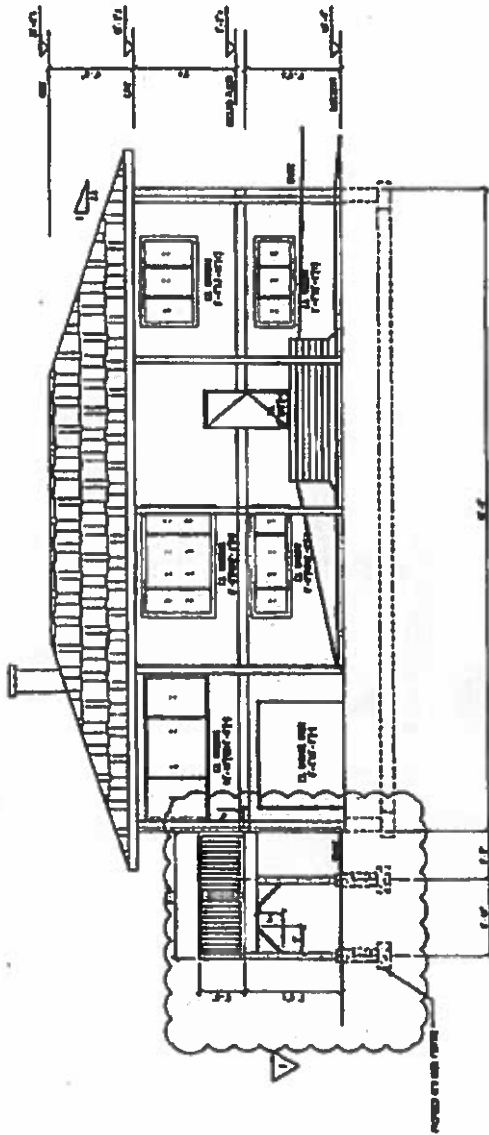


EXISTING FRONT ELEVATION

**GENERAL CONDITIONS:**  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL NECESSARY ADJACENT PROPERTY OWNERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY OWNERS' PERMISSIONS FOR THE WORK TO BE PERFORMED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY OWNERS' PERMISSIONS FOR THE WORK TO BE PERFORMED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY OWNERS' PERMISSIONS FOR THE WORK TO BE PERFORMED.

**STATES:** FOR PERMIT APPLICATION  
**OWNER:**  
 HQ BUILDING DESIGN INC  
 10000 BROADWAY, SUITE 1000, NEW YORK, NY 10000  
 TEL: (212) 512-1234 FAX: (212) 512-1234


**PROJECT:**  
 RESIDENTIAL HOUSE RENOVATION  
 177 BROADWAY, NEW YORK, NY  
 DRAWN BY: J.L.  
 CHECKED BY: R.J.  
 SCALE: 3/8" = 1'-0" DATE: \_\_\_\_\_  
 PROJECT: \_\_\_\_\_ TITLE: A2



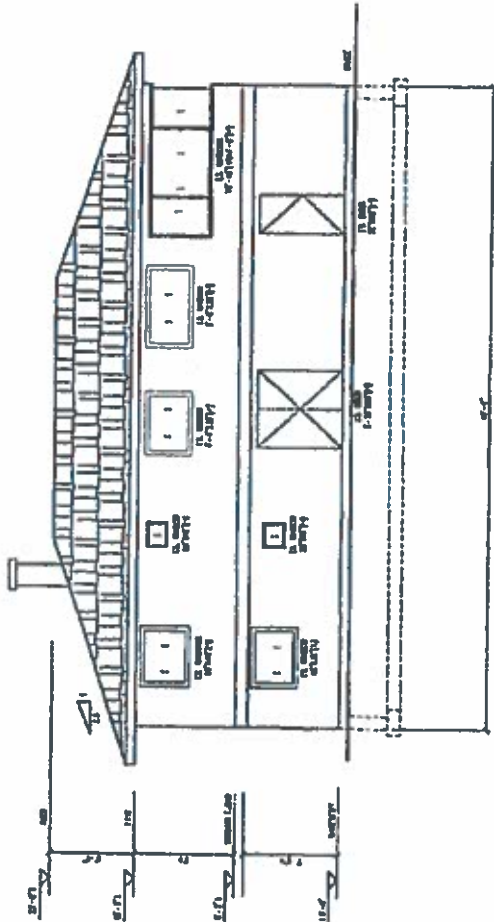
PROPOSED FRONT ELEVATION



**GENERAL CONDITIONS:**  
 CONTRACTOR SHALL VERIFY ALL CONDITIONS OF THE SITE AND ADJUST THE DESIGN AS NECESSARY TO ACCOMMODATE THE SAME. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

STATUS	FOR PERMIT APPLICATION	OWNER
 <b>HQ BUILDING DESIGN INC.</b> 1000 BROADWAY, SUITE 1000 NEW YORK, NY 10018		

PROJECT: RESIDENTIAL HOUSE RENOVATION 117 9-CROSS STREET AVE, MANHATTAN, NY	
DATE: 01/15/18	BY: [Signature]
SCALE: 1/8" = 1'-0"	DATE: 01/15/18
PROJECT: 117 9-CROSS	AS



**EXISTING REAR ELEVATION  
(NO CHANGE)**

**GENERAL CONDITIONS:**  
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.  
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.  
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION.  
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.  
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 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.  
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.  
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.

SITE: THE PAGES APPLICABLE  
 DRAWN BY: J.J.  
 CHECKED BY: J.J.  
 SCALE: 1/8" = 1'-0"  
 DATE: 11/25/2011  
 PROJECT: RESIDENTIAL HOUSE RENOVATION  
 117 9 WOOD FOREST DR., GADSDEN, AL  
 TITLE: A4

**GENERAL CONDITIONS:**  
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.  
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.  
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION.  
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.  
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