Memorandum to the City of Markham Committee of Adjustment January 26, 2021

File: A/139/20

Address: 10 Ridley Crescent, Markham

Applicant: V Architect Inc. Agent: V Architect Inc.

Hearing Date: Wednesday February 17, 2021

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

The applicant is requesting relief from the following Ninth Density Single-Residential (R9) zone requirements of By-law 90-81, as amended, as it relates to the enclosure of an existing basement walkout on the subject property. The variance requested is as follows:

a) By-law 90-81, Section 6.1.2(b)

A minimum side yard setback of 0.70~m (2.3~ft); whereas the By-law requires a maximum of 1.2~m (4~ft).

BACKGROUND

Property Description

The 476.50 m² (5,129.01 ft²) subject property is located on the west side of Ridley Crescent, south of 14th Avenue and east of Markham Road. The property is located within a residential neighbourhood comprised of two-storey detached dwellings. There is an existing 160.22 m² (1,724.59 ft²) two-storey detached dwelling on the property, which according to assessment records was constructed in 1999. The surrounding area is characterized by existing low-rise residential development.

Previous Variance Approval (A/125/17)

The Committee of Adjustment approved a minor variance in 2017 (A/125/17) to permit an encroachment of 0.67 m (2.2 ft) into the required interior side yard setback for unenclosed stairs. The Owner is proposing to enclose these stairs, which requires approval of another variance. A second varince is required because, for the purpose of zoning, the enclosed stairs are interpreted to be part of the building, whereas unenclosed stairs are an encroachment.

Proposal

As, noted the applicant is proposing to enclose the existing basement walkout along the south side of the existing dwelling and is requesting a reduced side yard setback to permit this structure (See Appendix A).

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 development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street.

Zoning By-Law 90-81

The subject property is zoned Ninth Density Single-Residential (R9) under By-law 90-81, as amended, which permits one single detached dwelling. The proposed development does not comply with the by-law requirements for maximum side yard setback.

Staff note that the submitted plans do not show an accessory unit within the basement. The applicant has advised staff that they do not intend to occupy the basement as an accessory unit, and are not proposing a variance to permit one through this application. The applicant has been informed that additional zoning approval is required to permit an accessory unit should it be added in the future.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on September 9, 2020 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.

Reduced Side Yard Setback

The applicant is requesting a minimum side yard setback of 0.70 m (2.3 ft) for the one-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 1.2 m (4 ft) for the one-storey portion of the dwelling. This is a reduction of 0.5 m (1.64 ft). The reduced side yard setback is entirely attributable to the enclosure of an existing basement walkout, which spans approximately 3.99 m (13.1 ft) of the side of the dwelling and is approximately 2.8 m (9.2 ft) tall. Engineering staff have reviewed the application and have no concern with the setback regarding drainage. Staff are of the opinion that the requested variance is appropriate.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 18, 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	"B" for conditions	to be attached to any	y approval of this application.
i loace coe , ippeliant	2 101 001141610110	to be attached to all	, approvation and approaction.

PREPARED BY:

Aqsa Malik, Planner, East District

REVIEWED BY:

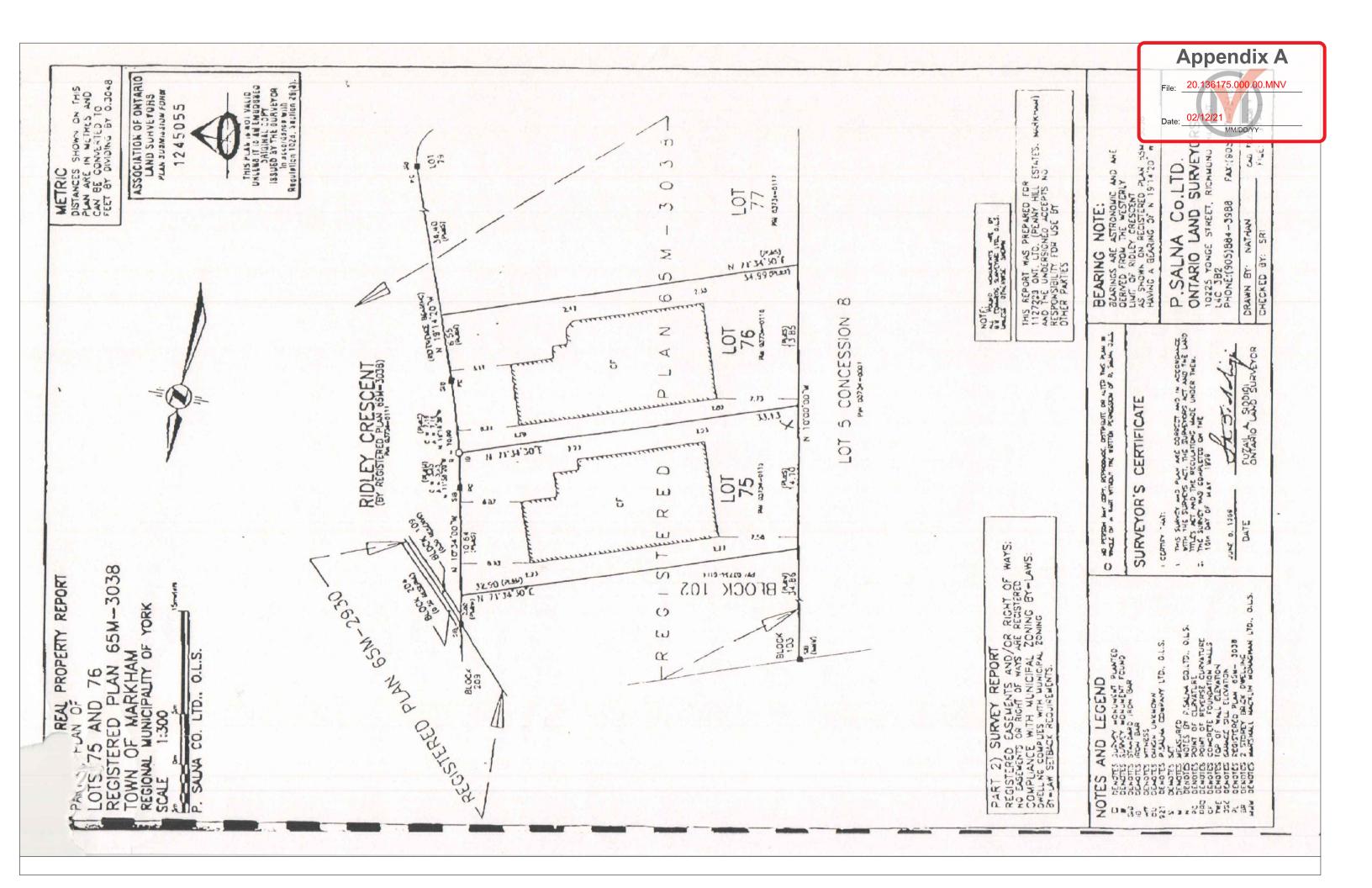
Stephen Corr, Senior Planner, East District
File Path: Amanda\File\ 20 136175 \Documents\District Team Comments Memo

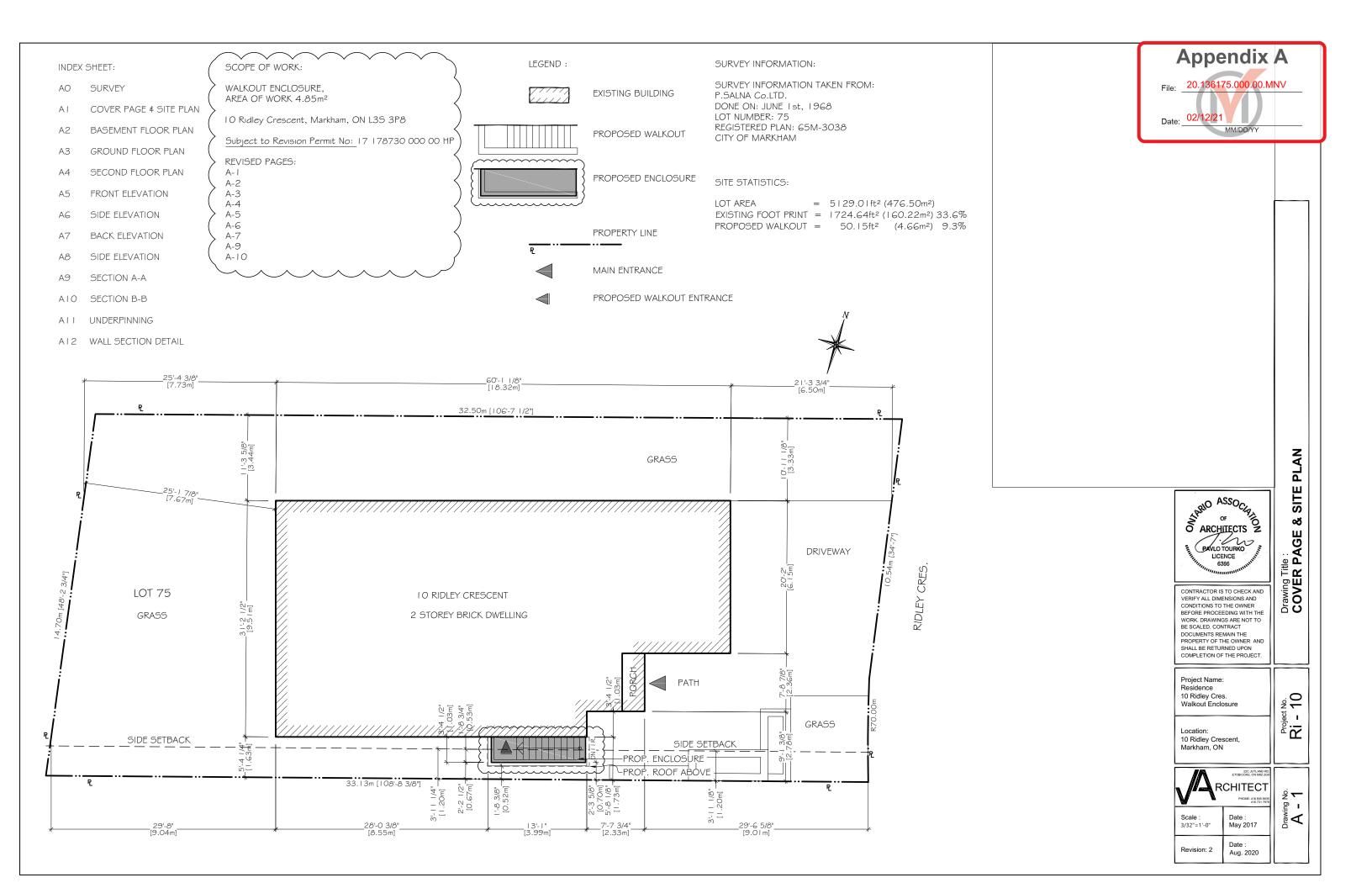
APPENDIX "B" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/108/20

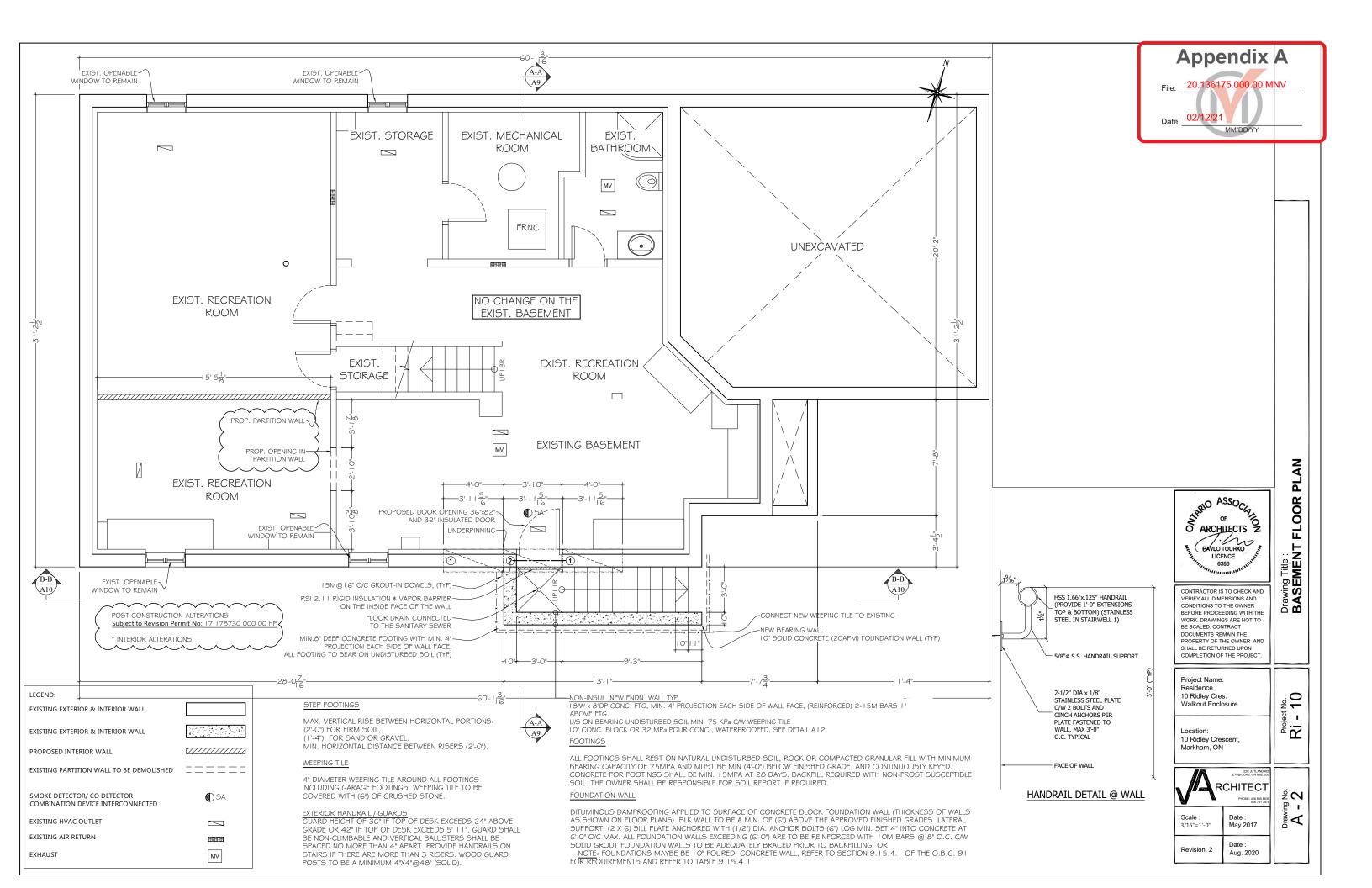
- 1. The variances apply only to the proposed development as long as it remains; and
- 2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

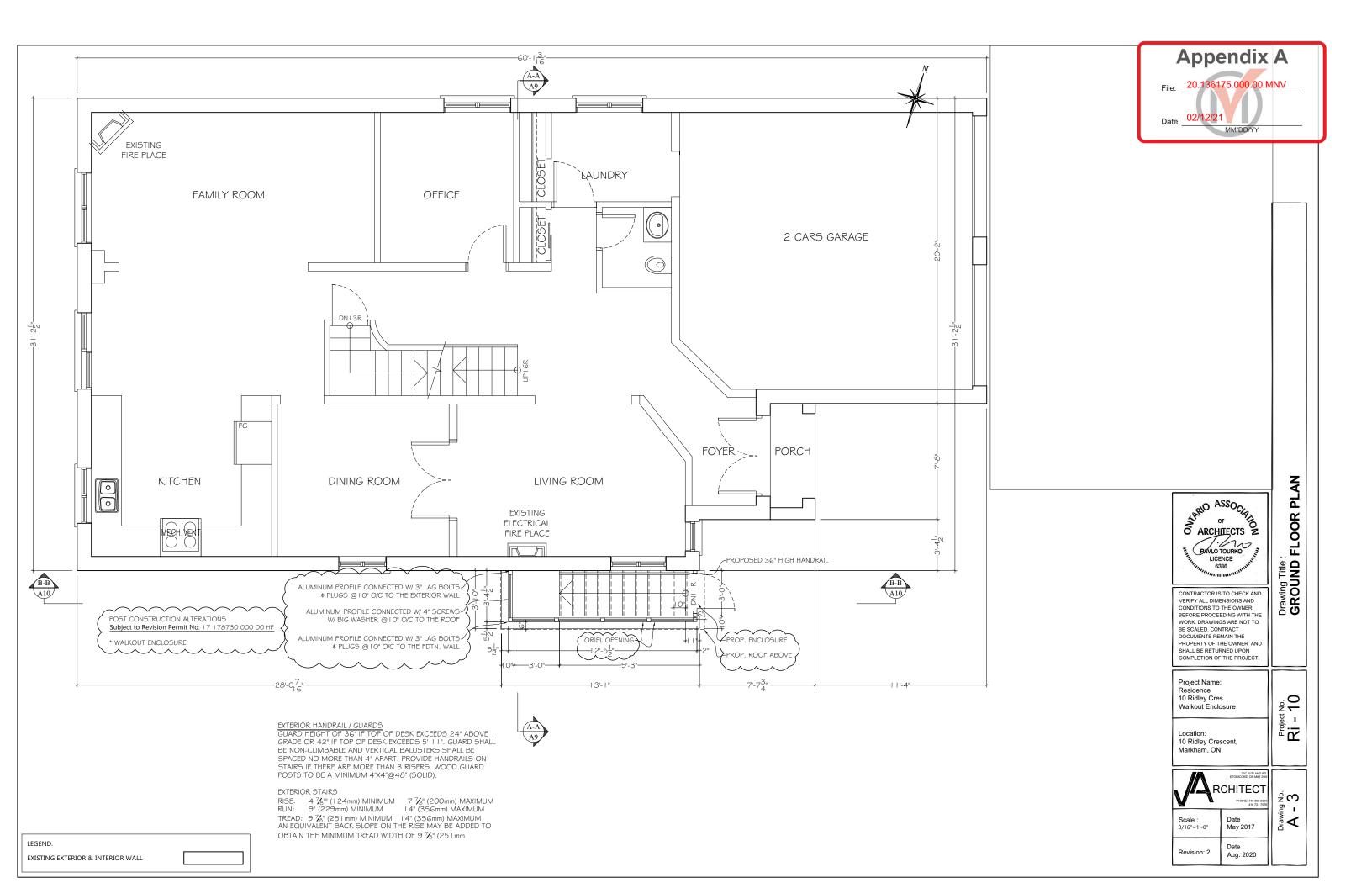
CONDITIONS PREPARED BY:

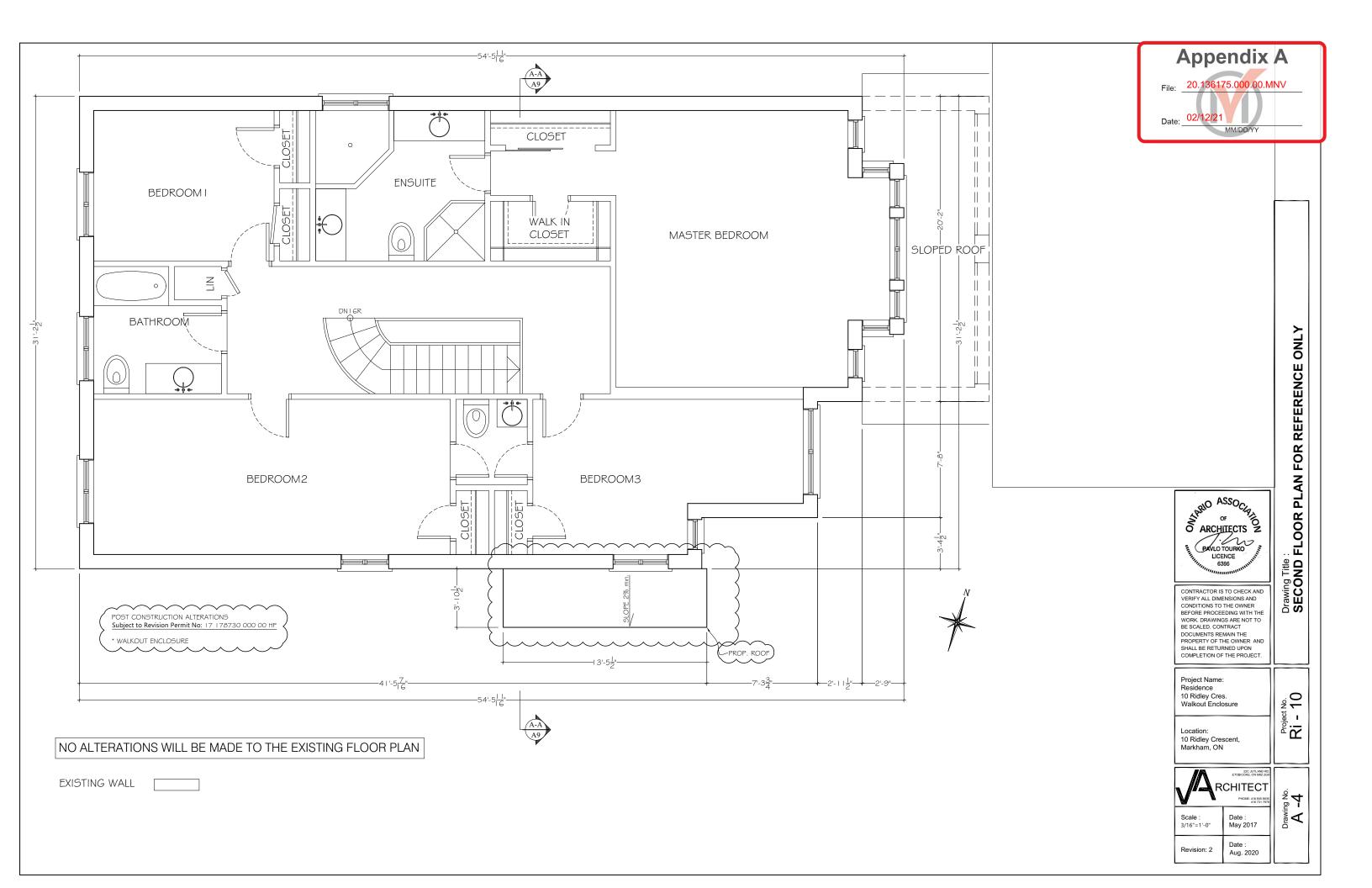
Aqsa Malik, Planner, East District

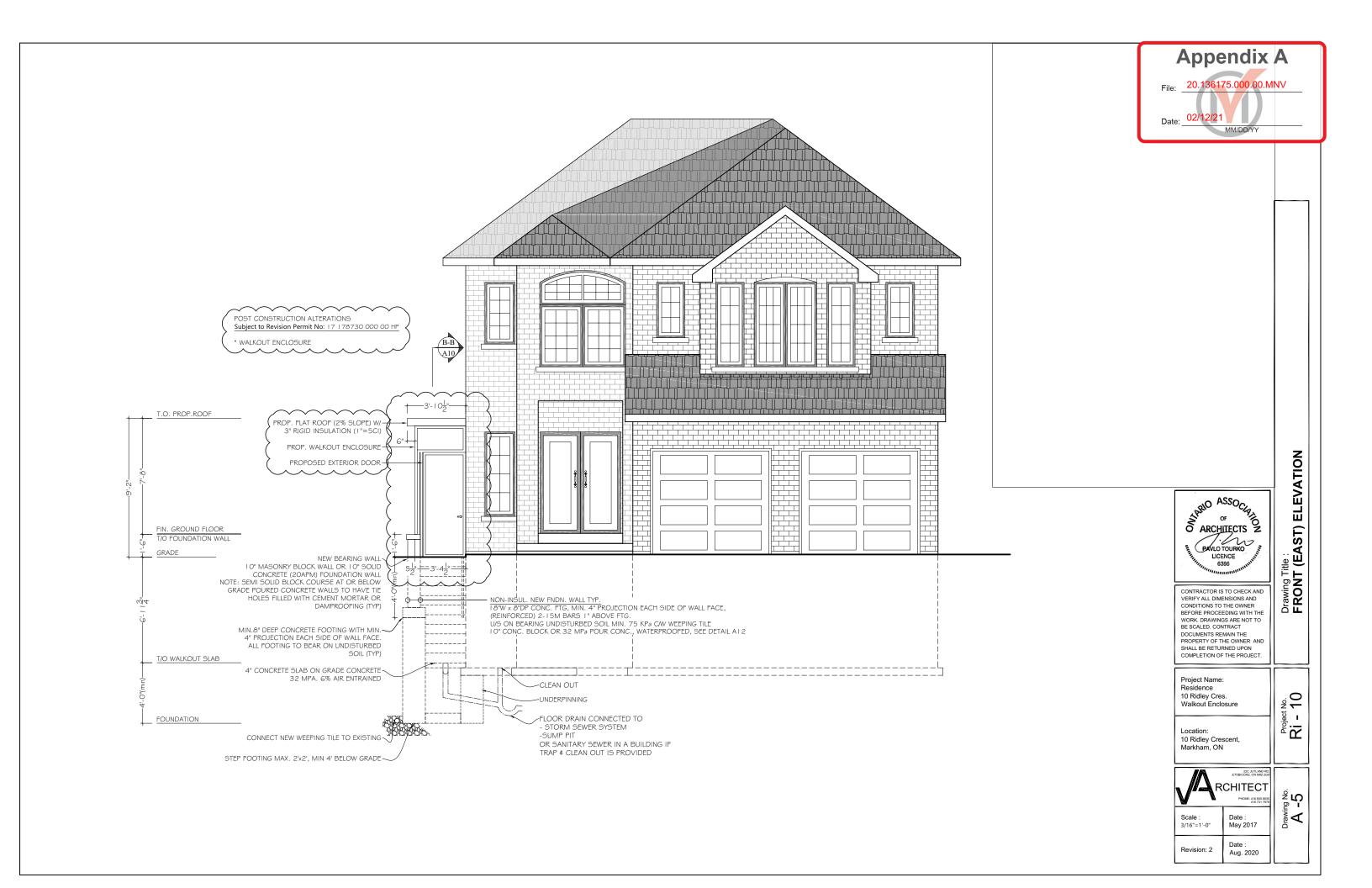


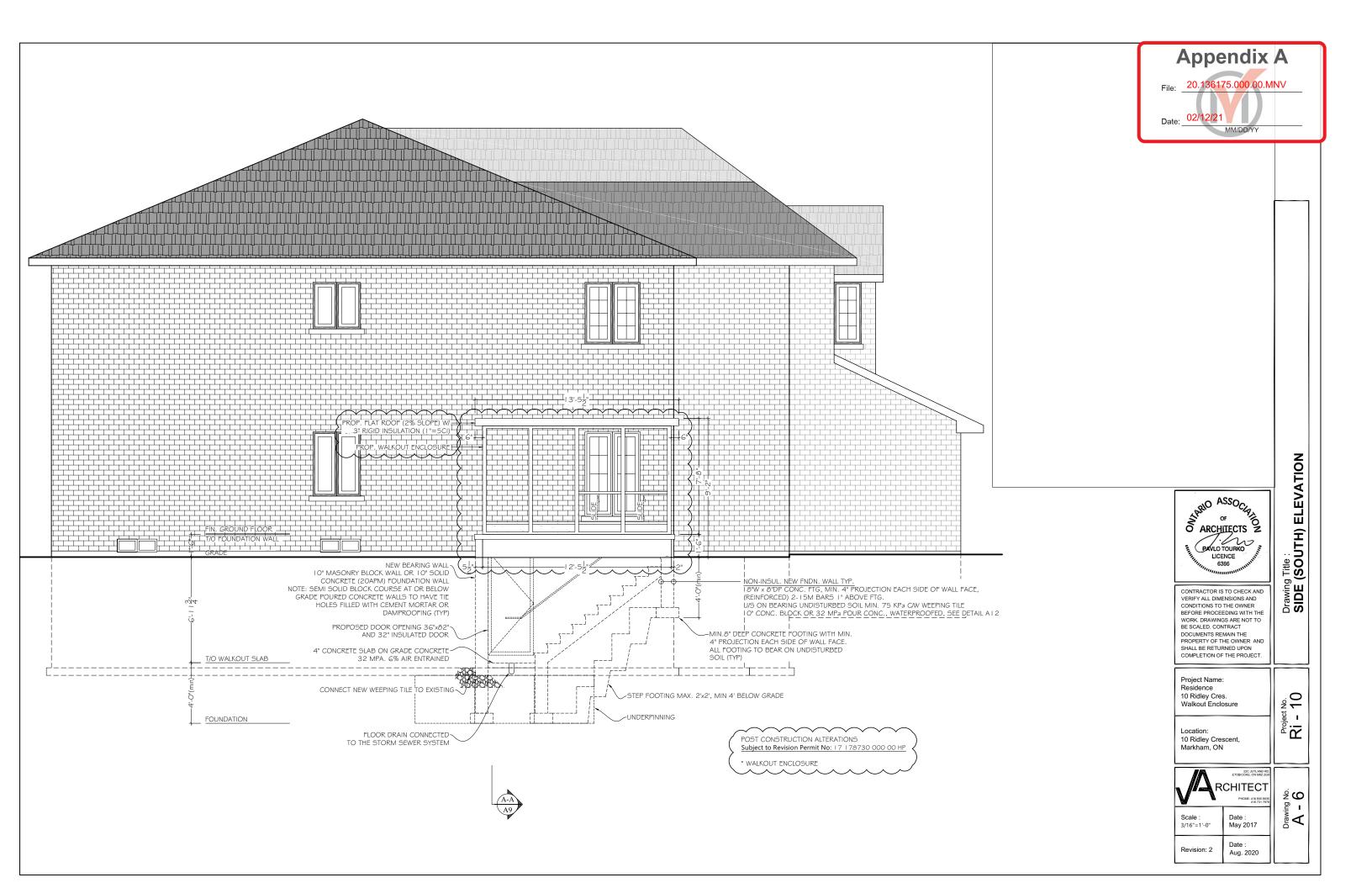


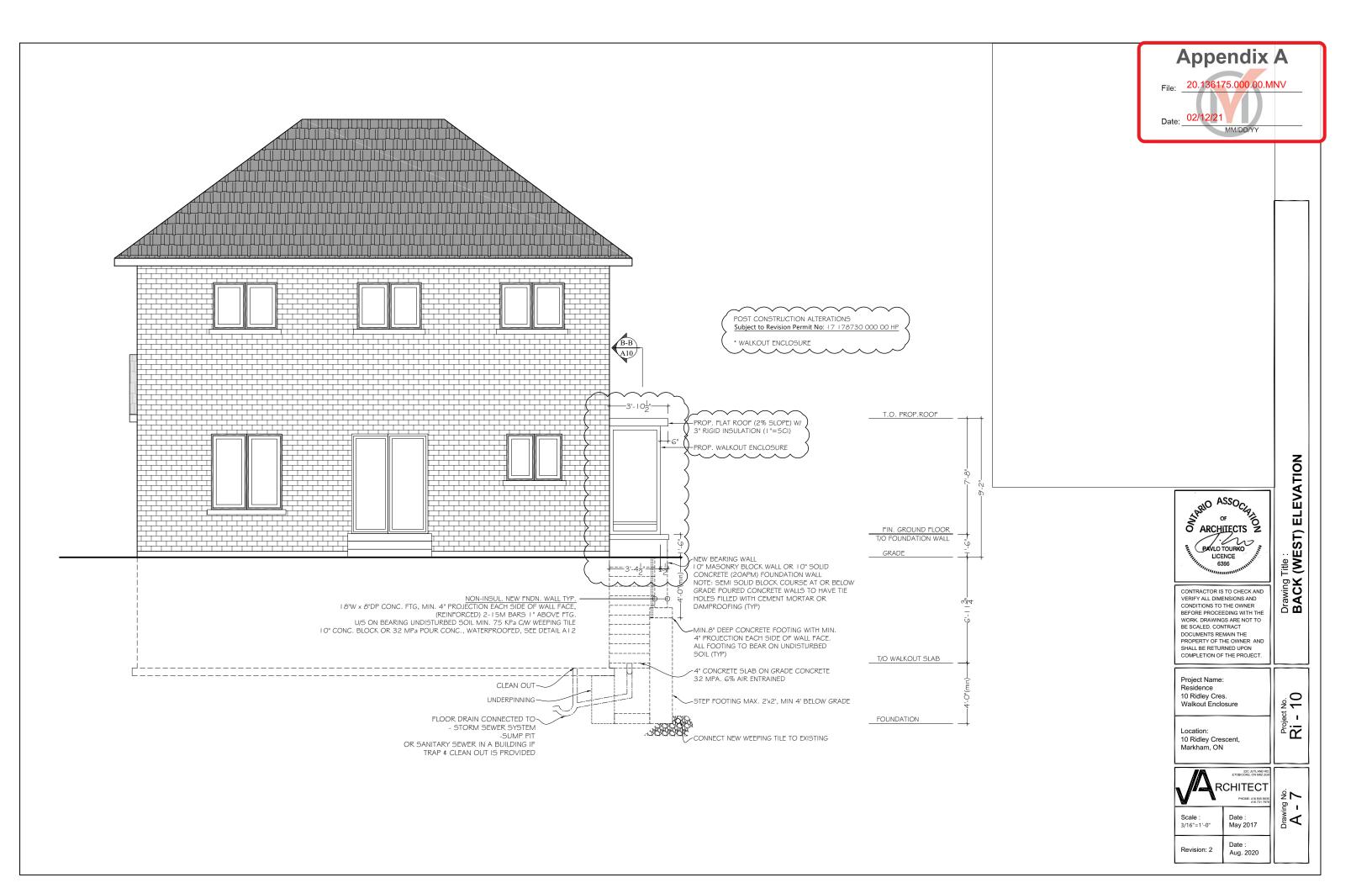


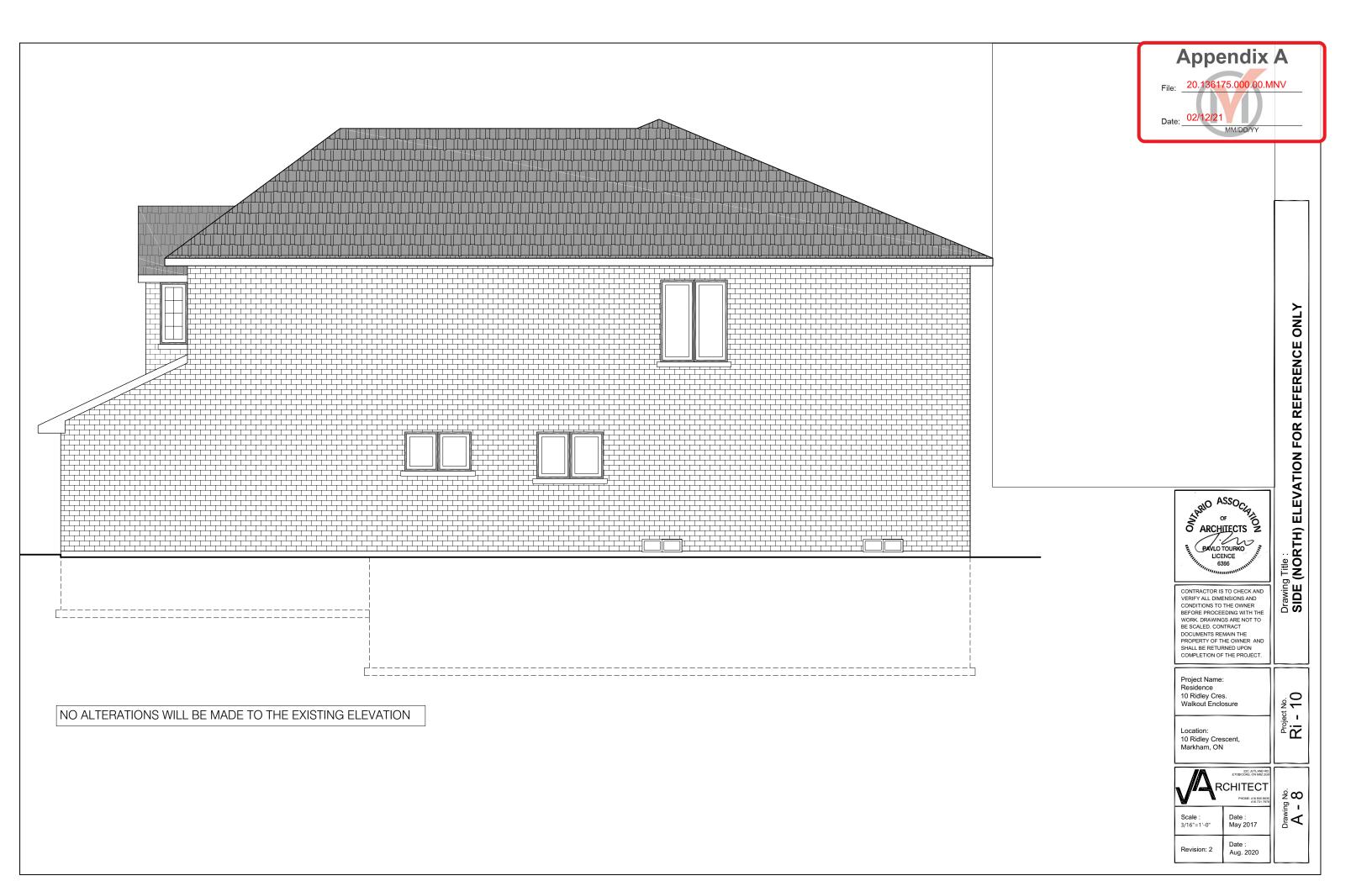


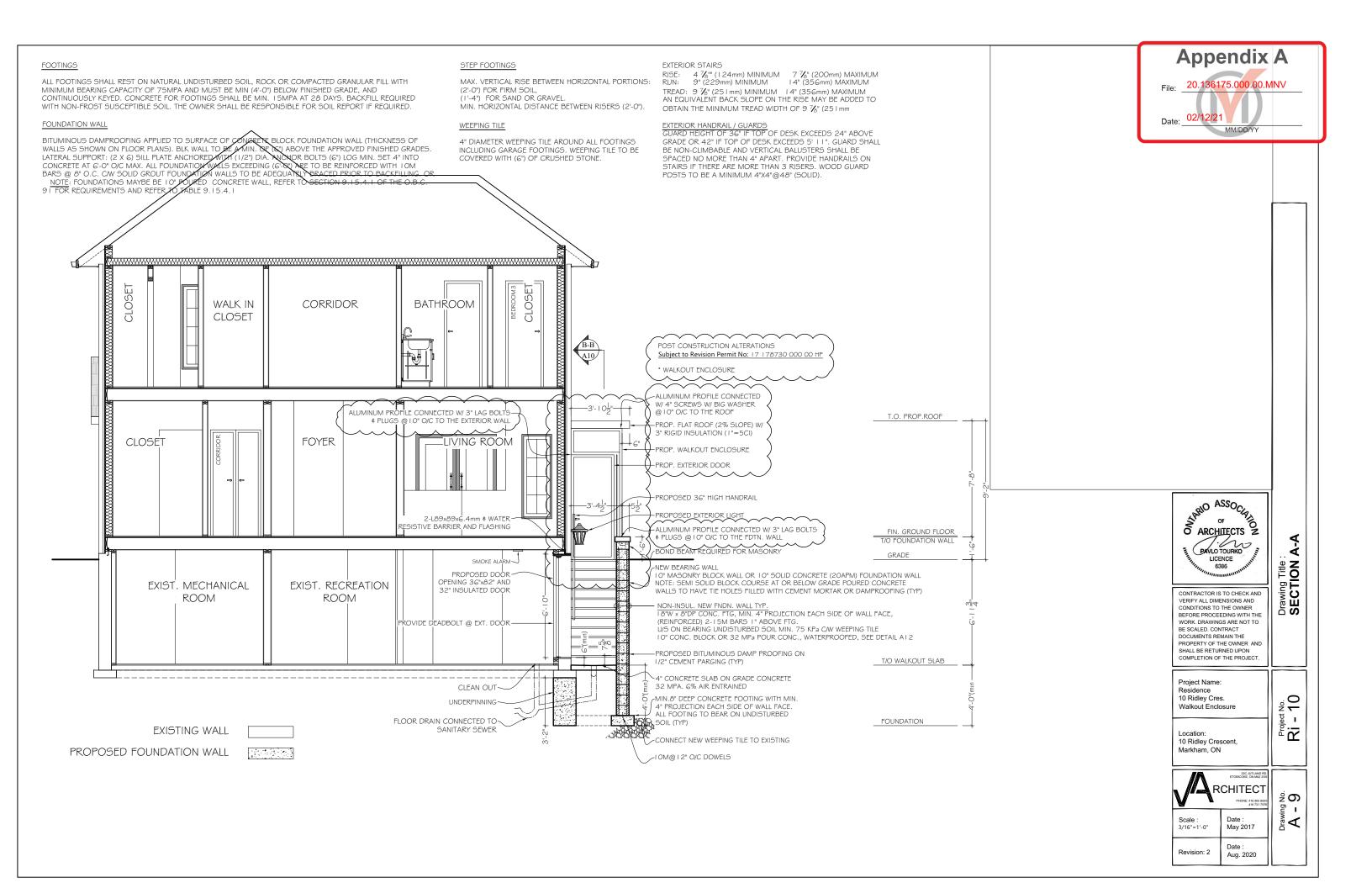


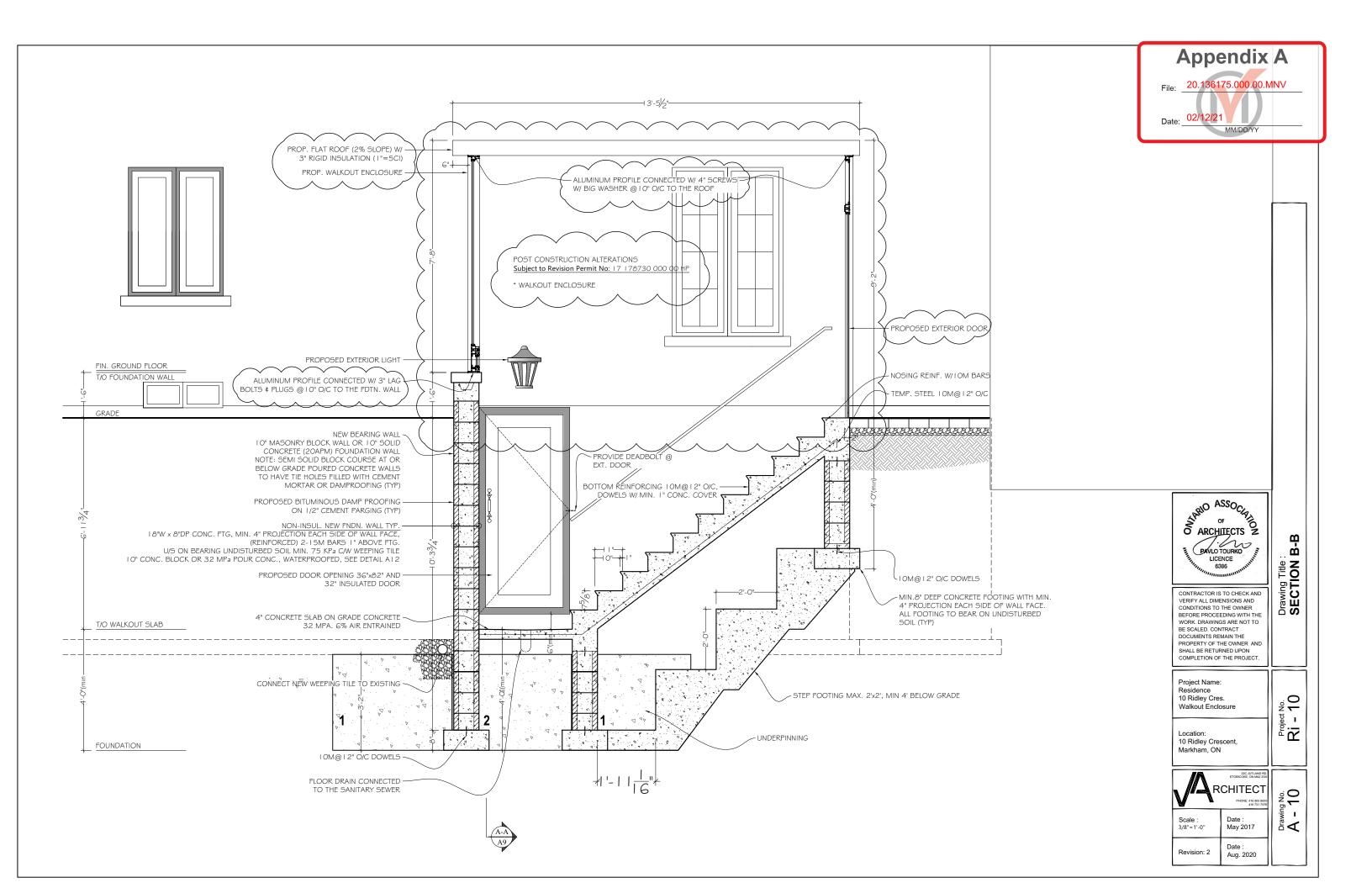


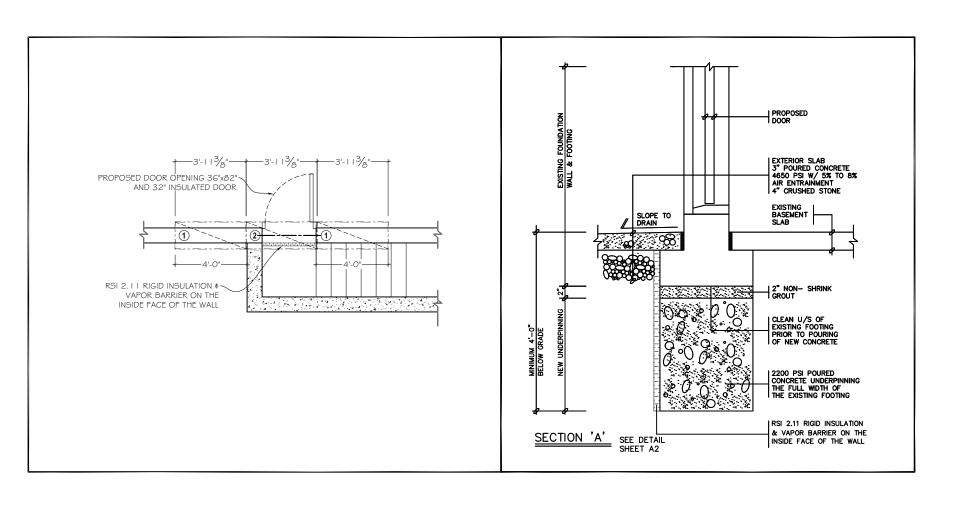






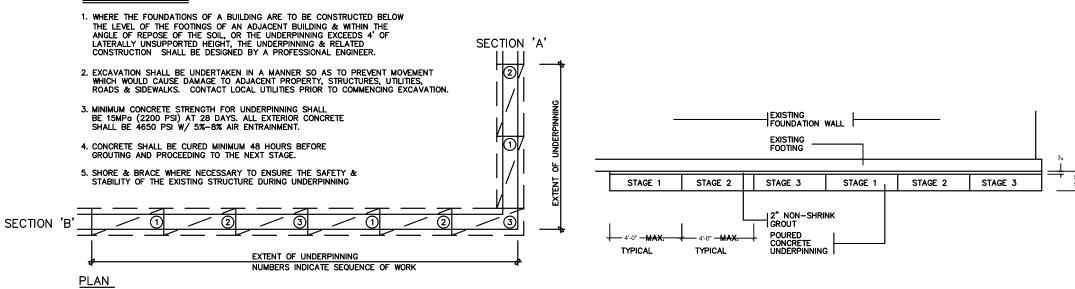






Appendix A File: 20.136175.000.00.MNV Date: 02/12/21 MM/DD/YY

GENERAL NOTES





CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS TO THE OWNER BEFORE PROCEEDING WITH THE WORK. DRAWINGS ARE NOT TO BE SCALED. CONTRACT DOCUMENTS REMAIN THE PROPERTY OF THE OWNER AND SHALL BE RETURNED UPON COMPLETION OF THE PROJECT.

Project Name: Residence 10 Ridley Cres. Walkout Enclosure

Location: 10 Ridley Crescent, Markham, ON Project No.

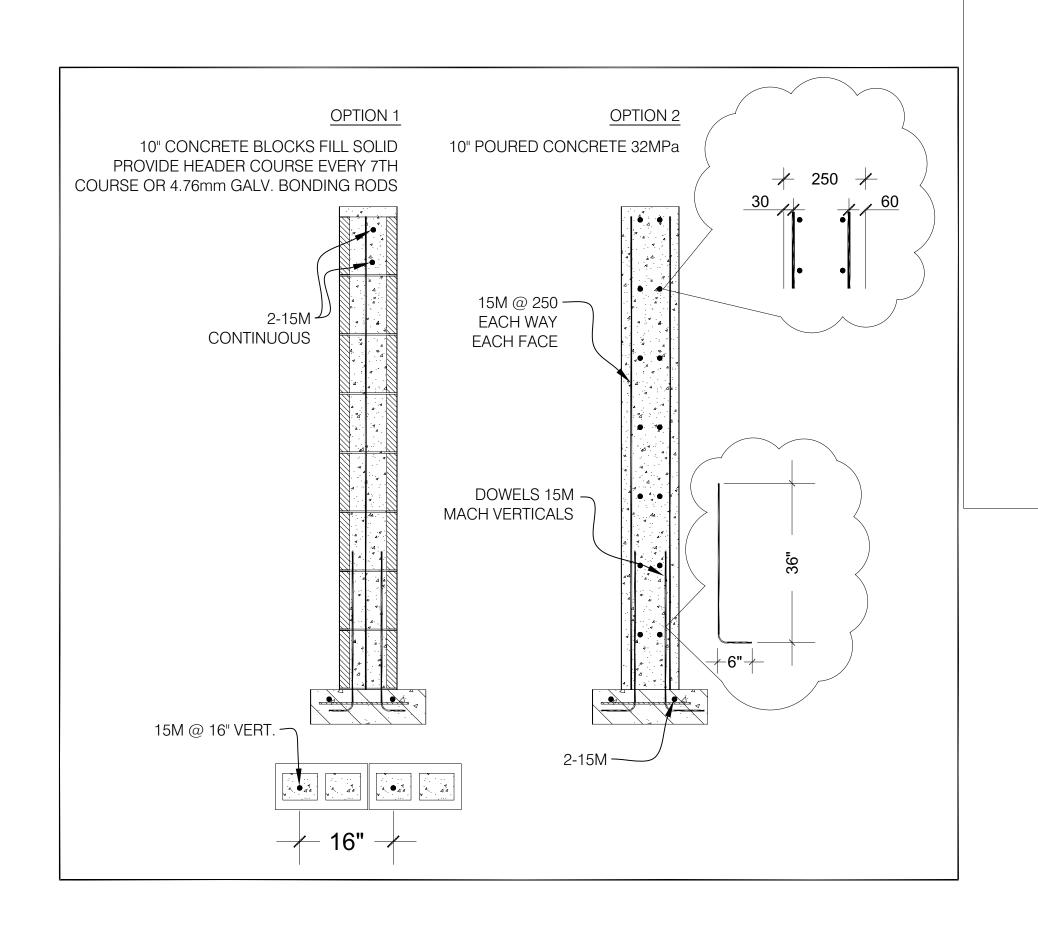
Ri - 10

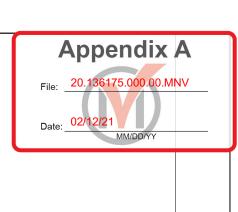
lack

Drawing Title: UNDERPINNING



Revision: 2 Date : Aug. 2020







CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS TO THE OWNER BEFORE PROCEEDING WITH THE WORK. DRAWNINGS ARE NOT TO BE SCALED. CONTRACT DOCUMENTS REMAIN THE PROPERTY OF THE OWNER AND SHALL BE RETURNED UPON COMPLETION OF THE PROJECT.

Project Name: Residence 10 Ridley Cres. Walkout Enclosure

Location: 10 Ridley Crescent, Markham, ON

ject No. چ ق

wing No. -12

Drawing Title: WALL FOUNDATION DETAIL

