

Memorandum to the City of Markham Committee of Adjustment

March 20, 2019

File: A/19/19
Address: 70 Chant Cres, Markham
Applicant: Fucai Wang
Agent: Bill Ross & Associates (Bill Ross)
Hearing Date: Wednesday March 27, 2019

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

The applicant is requesting relief from the following requirements of By-law 11-72, R3, as amended:

a) Section 6, Schedule B:

a maximum lot coverage of 35.86 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent;

b) Section 6, Schedule B:

a maximum building height of 26 ft 5 in, whereas the By-law permit a maximum building height of 25 ft;

as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The 696.75 m² (7,500 ft²) subject property is located on the east side of Chant Crescent, north of Highway & and east of Warden Avenue. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. To the north side of the property is an alley. There is an existing two-storey detached 198.81 m² (2,140 ft²) dwelling on the property, which according to assessment records was constructed in 1972. Mature vegetation exists across the property.

Proposal

The applicant is proposing to construct a new two-storey detached dwelling with an attached garage, a rear uncovered patio and, a rear uncovered walkout.

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 11-72

The subject property is zoned R3 – 'Third Density Single Family Residential' under By-law 11-72, as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to maximum lot coverage and maximum building height.

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

The applicant has not provided a reason for not complying with Zoning.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on February 14, 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.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 8.05 m (26.42 ft), whereas the By-law permits a maximum building height of 7.62 m (25 ft). This represents an increase of approximately 0.43 m (1.42 ft).

The height variance is in part attributable to the fact that the grade height of the centreline (crown) of the street is lower than the proposed average grade of the property. There is an alley to the left of the subject property and the proposed dwelling will maintain more than 5.81 m (17 ft) from the property to its left and approximately 1.82 m (6 ft) from the property to its right. While the proposed dwelling is taller than what the By-law permits, Staff are of the opinion that the variance request for maximum building height is minor in nature and will not result in demonstrable adverse impacts to neighbouring properties.

Increase in Maximum Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 35.86 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent. The proposed lot coverage includes a front unenclosed covered porch which adds approximately 5.65 m² (60.82 ft²) to the overall building area. The proposed lot coverage also includes a rear two-storey projection which occupies a portion of the rear elevation and adds approximately 7.6 m² (81.81 ft²) to the overall building area. Excluding the front covered porch and rear two-storey projection, the proposed dwelling has a lot coverage of approximately 34 percent. Given that the front covered porch is unenclosed and that the rear two-storey projection occupies a portion of the rear elevation, Staff are of the opinion that the requested variance for maximum lot coverage is minor in nature.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 18, 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.

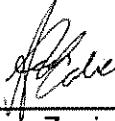
CONCLUSION

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. 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:



Scott Heaslip, Senior Project Coordinator, Central District
File Path: Amanda\File\19 114423 \Documents\District Team Comments Memo

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

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 and received by the City of Markham on *March 06, 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. 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;
4. 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;
5. 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.

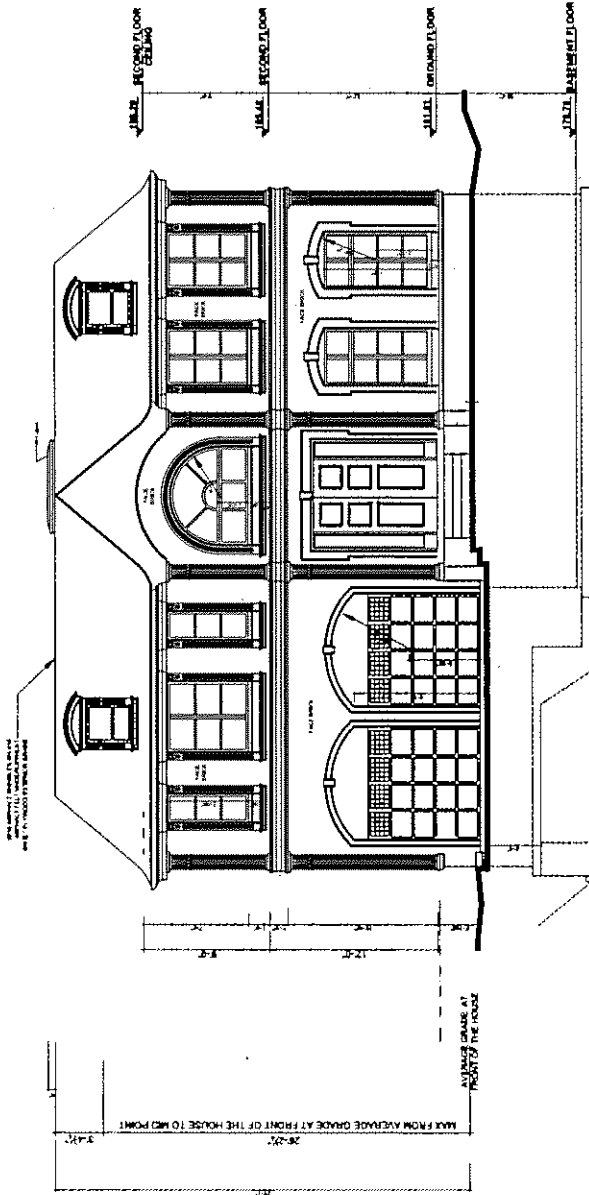
CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

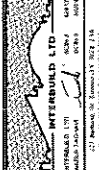
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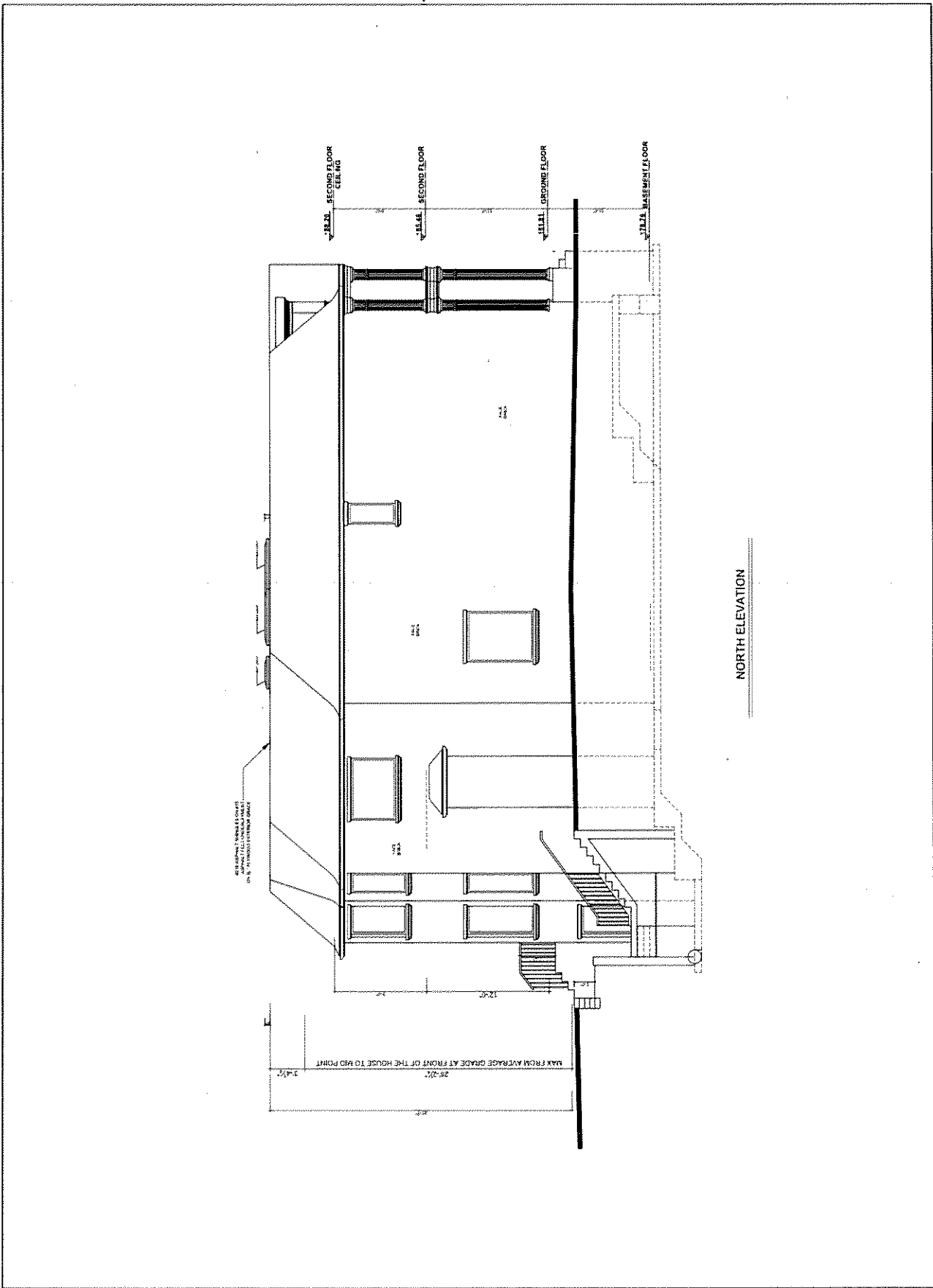
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CLIENT:	INTERMED LTD
PROJECT:	SINGLE FAMILY DWELLING ON CHANTERES
PROJECT:	FRONT ELEVATION
PROJECT:	INTERMED LTD
PROJECT:	1000 WEST MOUNTAIN



FRONT ELEVATION

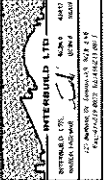
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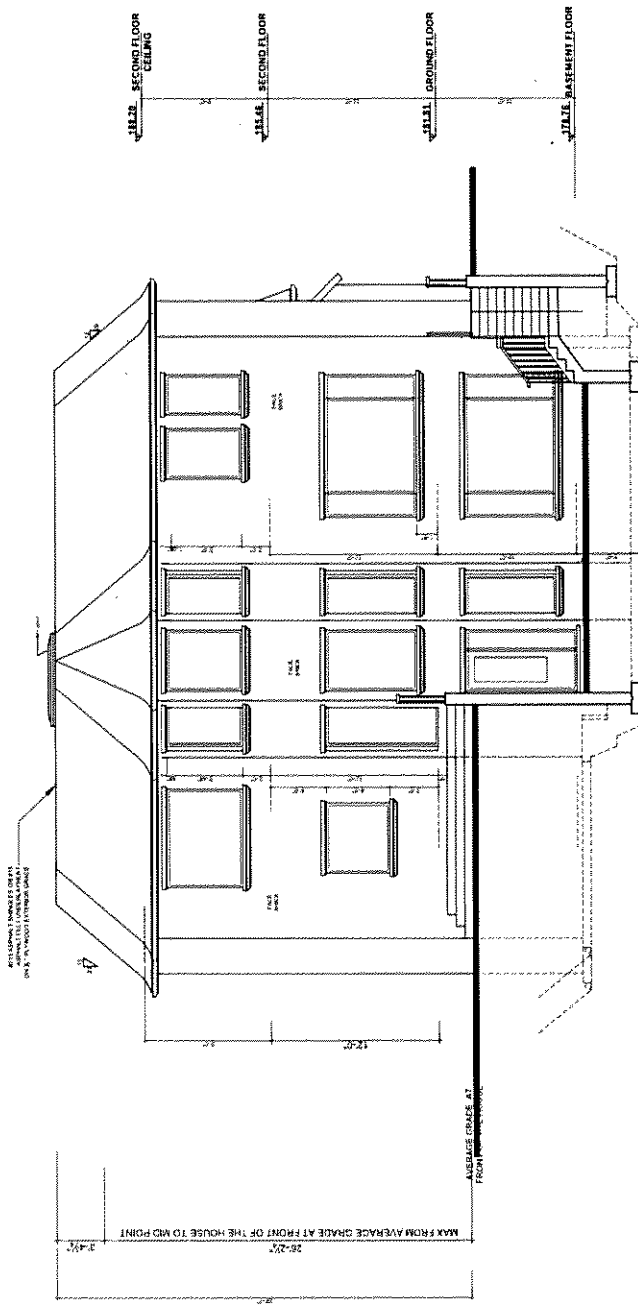
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PROJECT NAME			
BASEMENT FLOOR PLAN			
SINGLE FAMILY DWELLING ON TO CHANT CRES.			
			
INTERBUILD LTD 127 PARKWAY SOUTH, SUITE 100, MISSISSAUGA, ONTARIO L4W 1M5 TEL: (905) 276-1111 FAX: (905) 276-1112 WWW.INTERBUILD.COM			



NORTH ELEVATION

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SCALE	1/4" = 1'-0"
DATE	20/03/2017
PROJECT	A202
NO. OF SHEETS	1
REAR ELEVATION	
SINGLE FAMILY DWELLING ON 70 CHANT CRES.	
	
INTERBUILD LTD 127, WINDYBUSH ROAD, WINDYBUSH, DURBAN, KZN 4051, SOUTH AFRICA TEL: +27 (0)31 561 1000 FAX: +27 (0)31 561 1001 WWW.INTERBUILD.CO.ZA	

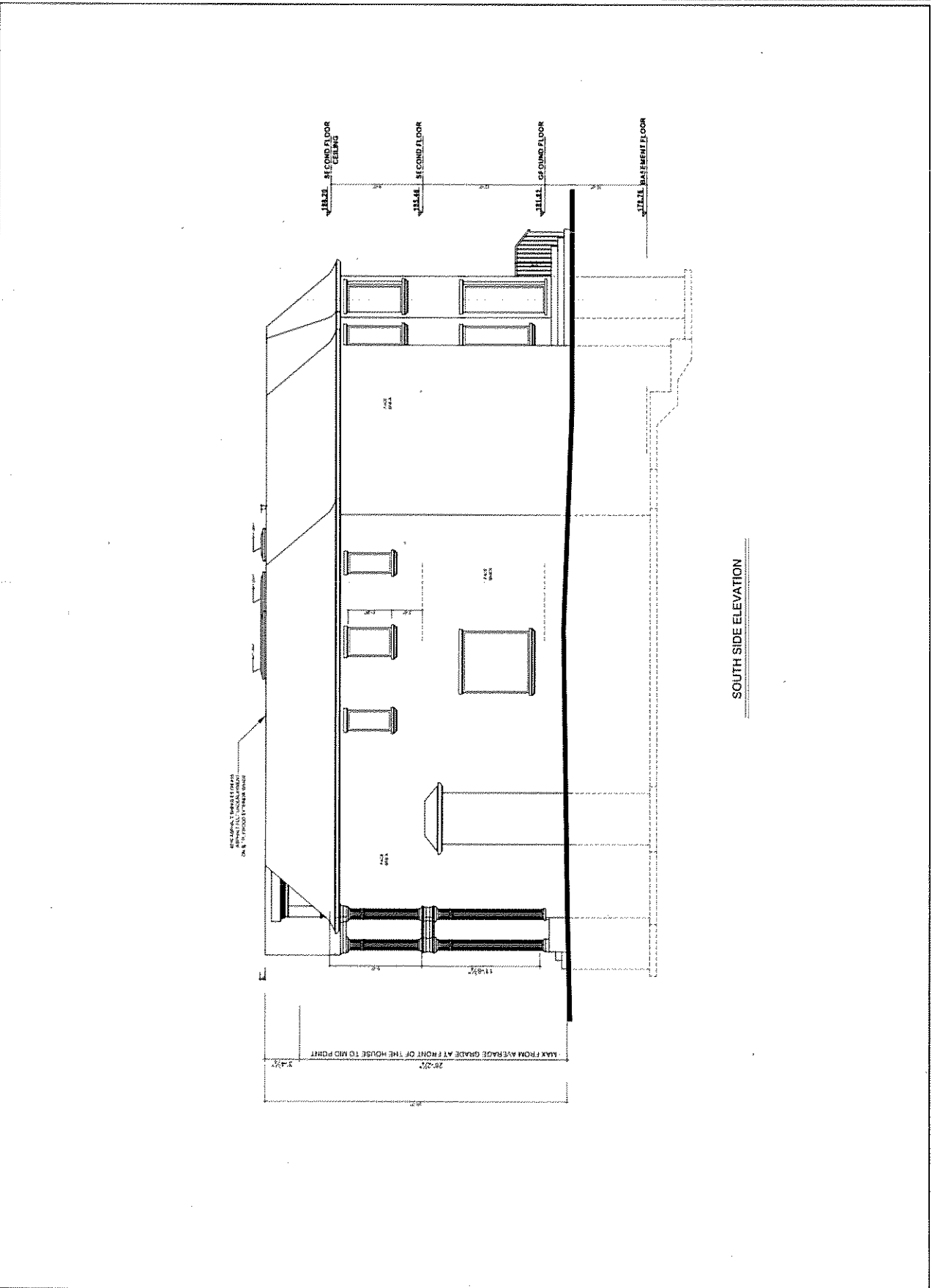


REAR ELEVATION

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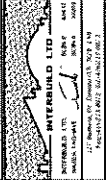
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PROJECT NAME:	BASEMENT FLOOR PLAN

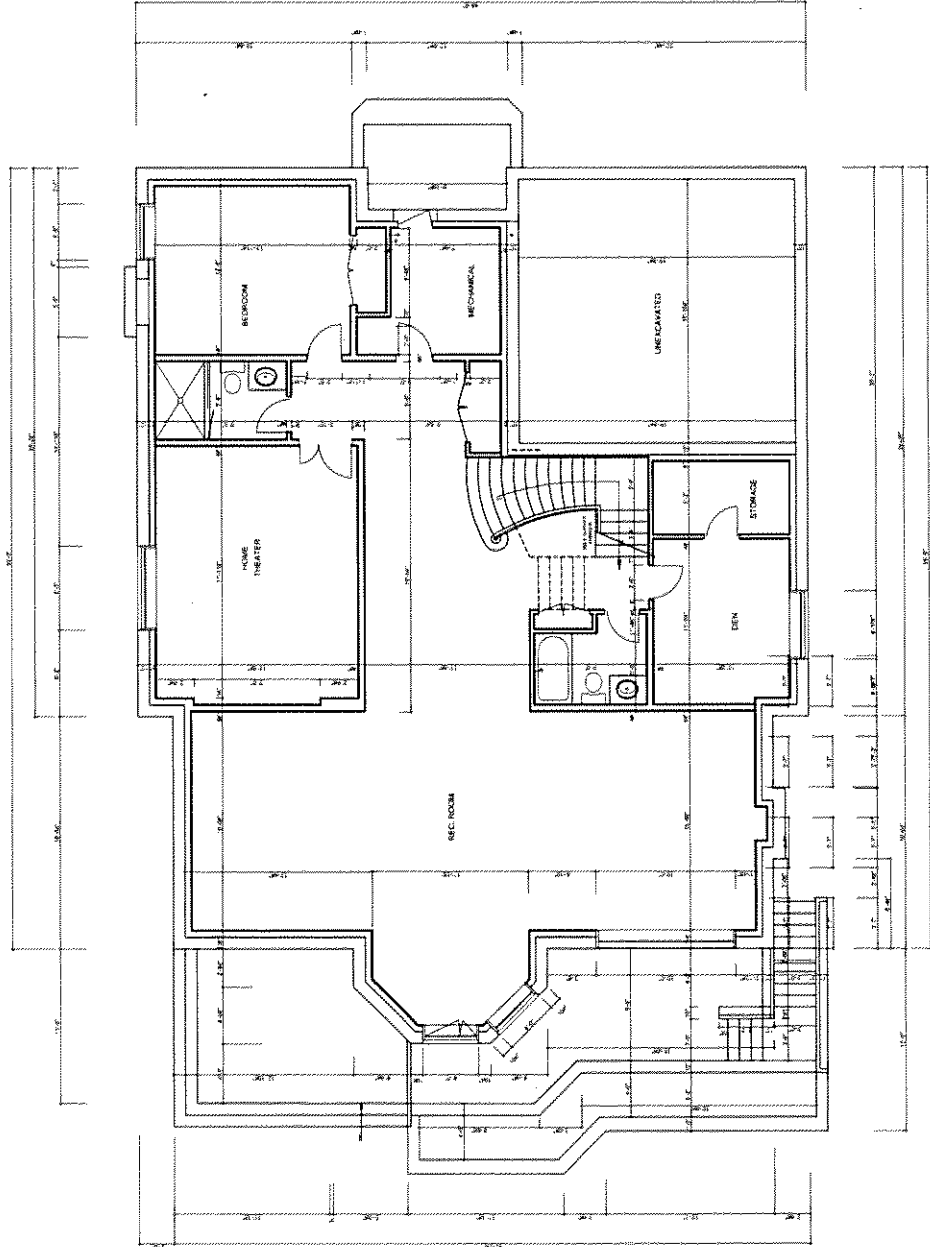
INTERIUS LTD.
 100, WINDYBUSH ROAD, WINDYBUSH, DURHAM, ENGLAND, UK
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SOUTH SIDE ELEVATION

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SCALE:	1/4" = 1'-0"
DATE:	10/01/07
PROJECT:	4300
BASEMENT FLOOR PLAN	
SINGLE FAMILY DWELLING ON	
10 CHURCH STREET	
DUBLIN 1	
	
INTERBUILD LTD. 10 CHURCH STREET, DUBLIN 1, IRELAND TEL: 01 454 4444 FAX: 01 454 4444 WWW.INTERBUILD.COM	

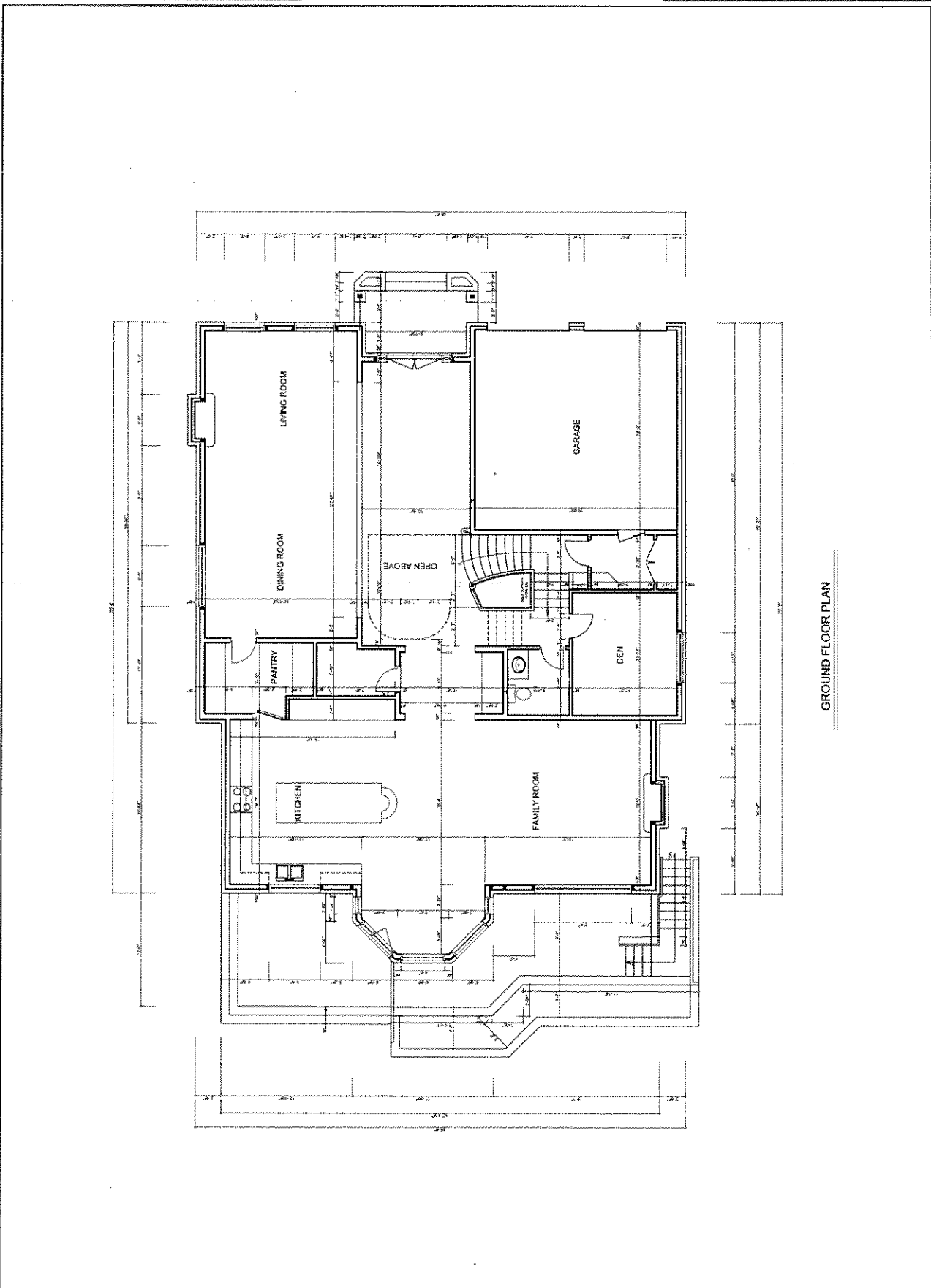
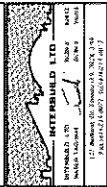


BASEMENT FLOOR PLAN

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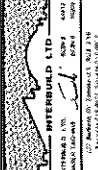
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NO. OF SHEETS:	1	CHECKED BY:	INTERBUILD LTD.
SHEET NO.:	A301	DATE:	10/20/07

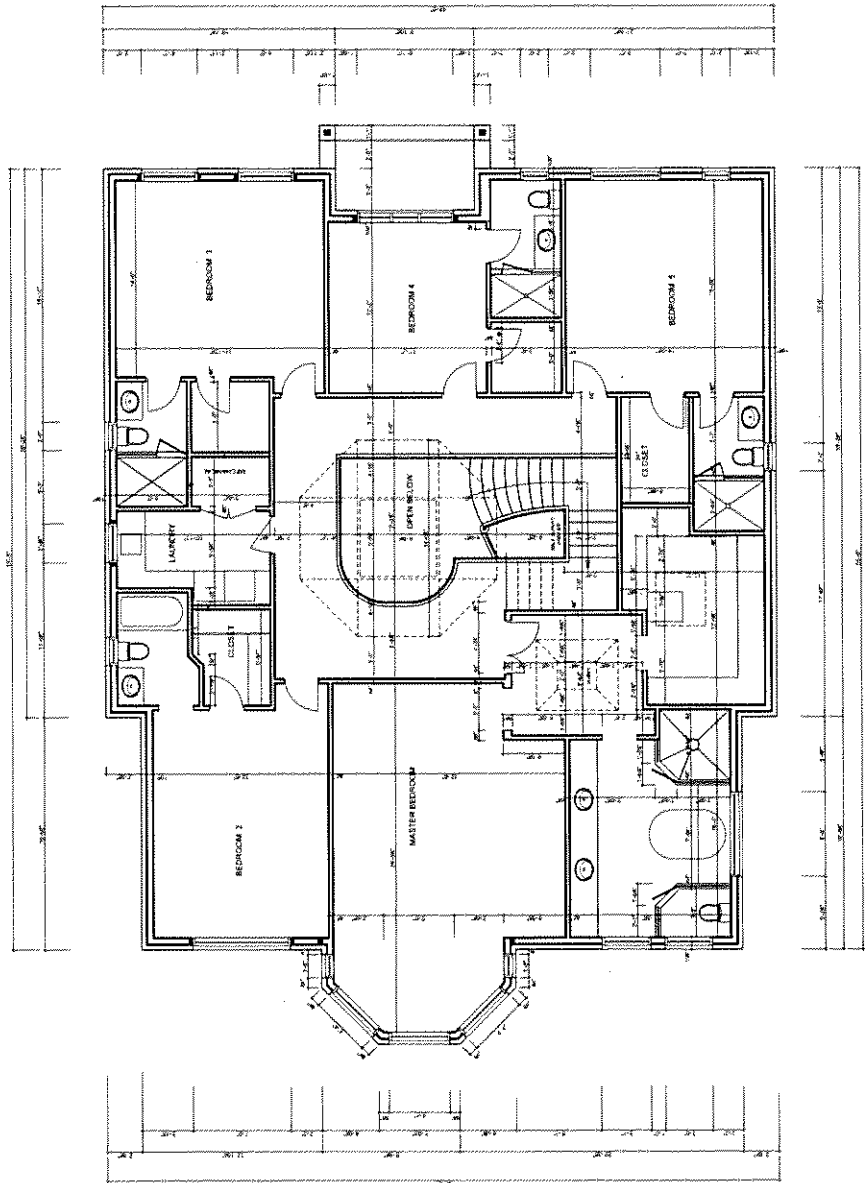
PROJECT TITLE:
GROUND FLOOR PLAN
 SINGLE FAMILY DWELLING ON
 70 CHANT CRES.



GROUND FLOOR PLAN

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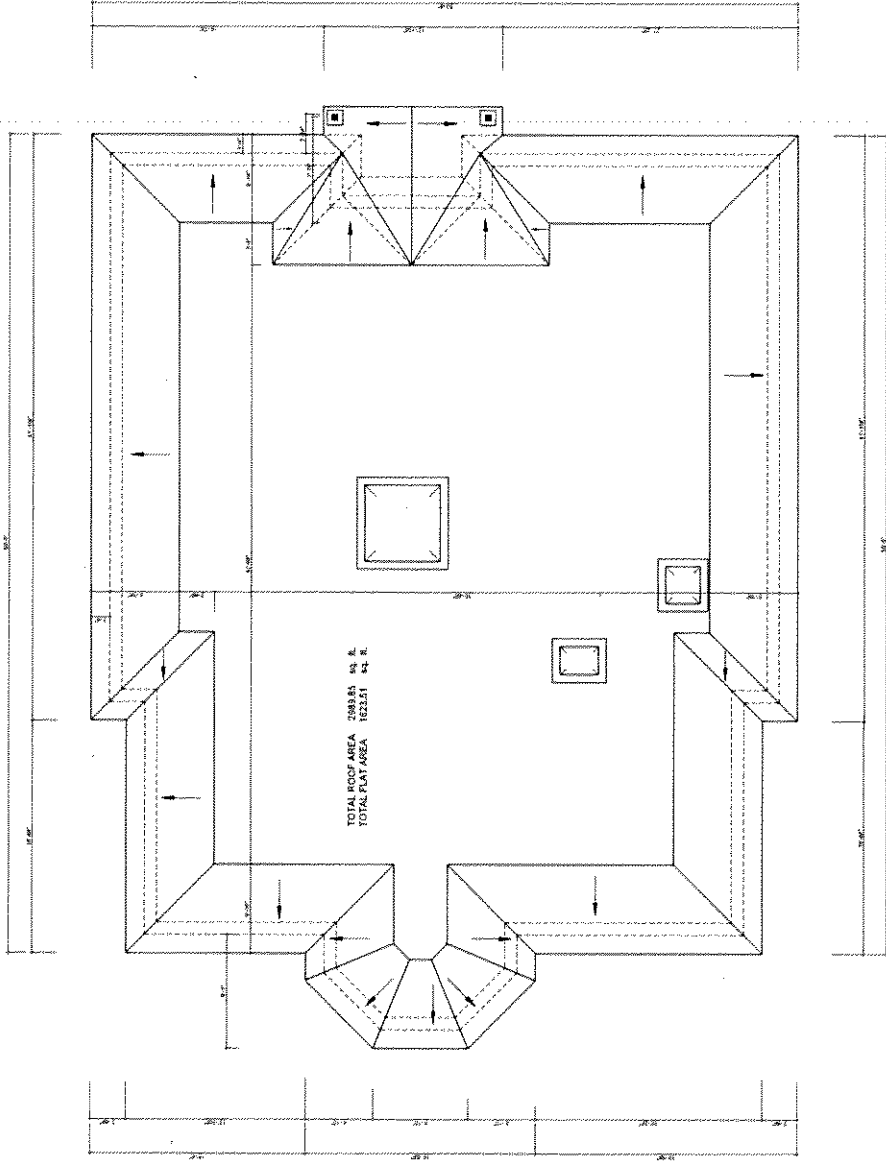
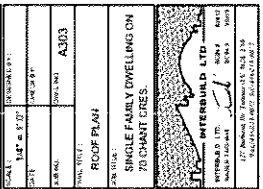
SCALE:	1/4" = 1'-0"	PROWARRANTY:	
DATE:	10/20/2017	PROJECT NO.:	A302
SECOND FLOOR PLAN			
MICHELE FAMILY DWELLING ON BURNHART CRES.			
			
INTERBUILD LTD. 4000 WEST LAKESIDE AVENUE SUITE 1000 VANCOUVER, BC V6N 1A7			



SECOND FLOOR PLAN

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SCALE	1:50	DATE	10/01/2017
PROJECT	700 CHANTIERES	NO.	A303
CLIENT	INTERBUILD LTD.	DESIGNED BY	INTERBUILD LTD.
ROOF PLAN SINGLE FAMILY DWELLING ON 700 CHANTIERES			



ROOF PLAN