

Memorandum to the City of Markham Committee of Adjustment

June 25, 2019

File: A/63/19
Address: 20 Steele Valley Road, Thornhill
Applicant: TAES Architects Inc. (Shenshu Zhang)
Agent: (none)
Hearing Date: Wednesday July 24, 2019

The following comments are provided on behalf of the West Team.

The applicant is requesting relief from the following requirements of By-law 1767, GR as amended:

a) **Amending By-law 1767, Section 12 (vi) - Accessory Buildings:**

an accessory building in the west side yard, whereas the By-law permits an accessory building in the rear yard only;

as it relates to a proposed accessory building.

BACKGROUND

Property Description

The 5,614.23 m² (60,433 ft²) subject property is located on the north side of Steele Valley Road, North of Steeles Avenue and west of Bayview Avenue. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing 2 storey residential dwelling on the property, which according to assessment records was constructed in 1989. Also on the property are a swimming pool and a tennis court. Mature vegetation exists across the property and within the surrounding neighbourhood.

Proposal

The applicant is proposing to construct a 28.24 m² (303.97 ft²) gazebo located in the west side yard of the property.

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.

Zoning By-Law 1767

The subject property is zoned GR under By-law 1767, as amended, which permits an accessory building in the rear yard only. The proposed development does not comply with the By-law with respects to the location of the accessory building on the property.

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

According to the information provided by the applicant, the reason for not complying with Zoning is, *"the property has a large west side yard where there are tennis courts, a swimming pool and other landscaping. A new gazebo will improve the landscaping in the side yard."*

Zoning Preliminary Review (ZPR) Not Undertaken

The owner 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.

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.

Side Yard Accessory Building

The applicant is requesting relief to permit a gazebo in the side yard, whereas the By-law requires that accessory buildings be located in the rear yard. The lot is a unique shape unlike any other along the same street. There is sufficient space in the west side yard for an accessory building. The proposed gazebo has a 61.5 ft (18.74 m) side yard setback and complies with the minimum side yard setbacks of 10 ft (3.05 m). The existing vegetation on the property and neighbouring property will provide screening between properties and the street. The gazebo will be covered by a rubber shingle roof matching the existing house and will not be enclosed by walls. Staff have no concerns with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 25th, 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 and have no objection. 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:



François Hémon-Morneau, Development Technician

REVIEWED BY:



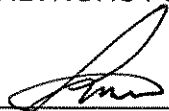
David Miller, Development Manager, West District

APPENDIX "A"

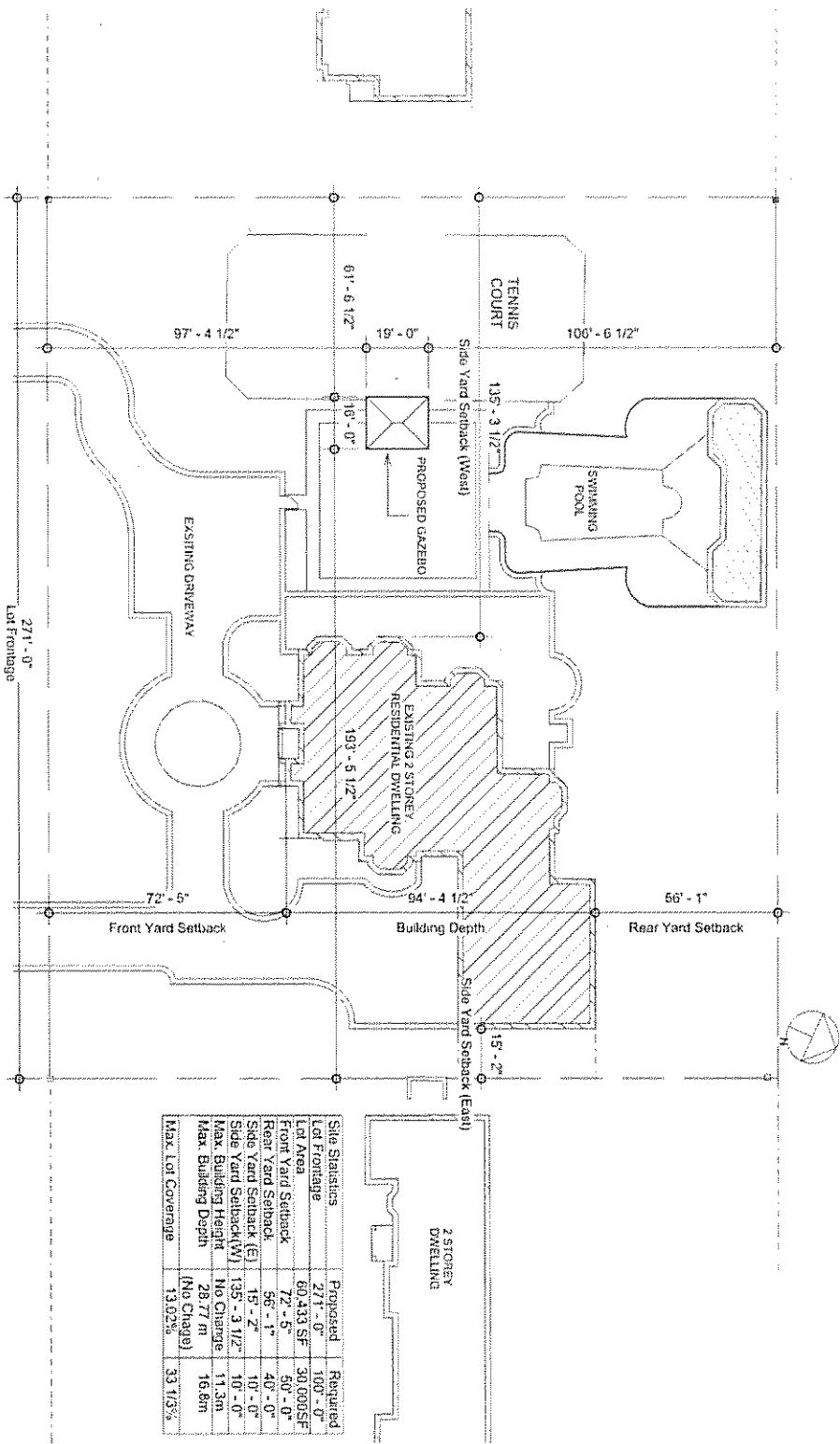
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/63/19

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 June 21st, 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 gazebo remains unenclosed with no walls.

CONDITIONS PREPARED BY:



François Hémon-Morneau, Development Technician



Site Statistics	Proposed	Required
Lot Frontage	271'-0"	100'-0"
Lot Area	60,433 SF	30,000 SF
Front Yard Setback	72'-5"	50'-0"
Rear Yard Setback	56'-1"	40'-0"
Side Yard Setback (E)	15'-2"	10'-0"
Side Yard Setback (W)	135'-3 1/2"	10'-0"
Max. Building Height	No Change	11.3m
Max. Building Depth	28.77 m	16.8m
Max Lot Coverage	13.02%	33.13%

1 Site Plan
1/32" = 1'-0"

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No.	Revision	Date	By
1	Issue for Review	2018-04-11	SK
2	Final Approval	2018-05-21	SK

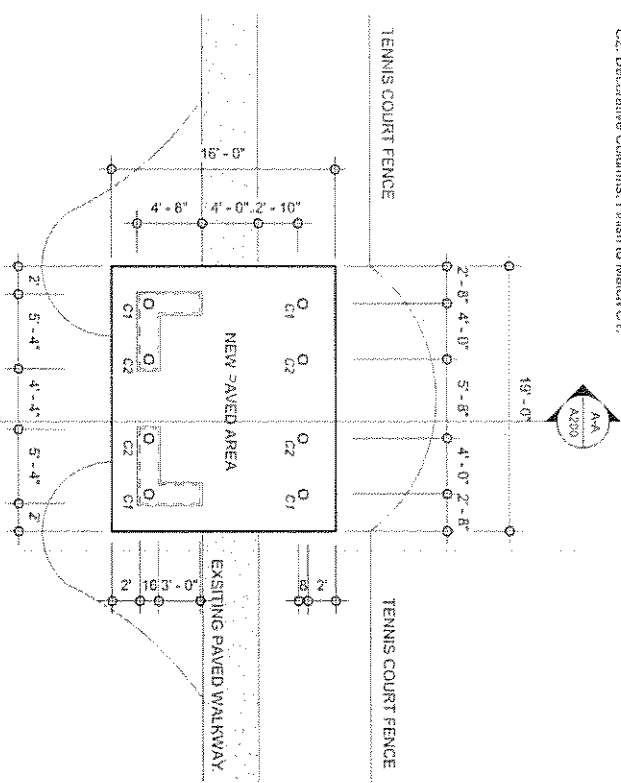
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RESIDENCE
 New Gazebo
 20 Steel Valley Road
 KENNEDY, ON

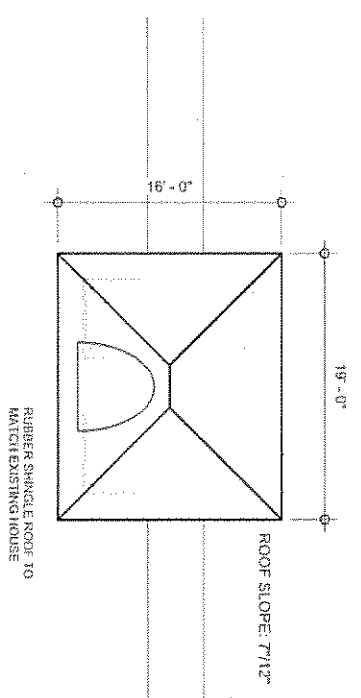
Project No: TC182411
 Date: 07-21-18
 Scale: 1/32" = 1'-0"
 Drawn: SKM
 Checked: SKM
 Date: MAY 2018

Site Plan
 Drawing No. A001

C1: Bearing Columns. Refer to Structural Drawings S4.1
 C2: Decorative Columns. Finish to Match C1.



1 Floor Plan
 1/8" = 1'-0"



2 Roof Plan
 1/8" = 1'-0"

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 CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON SITE.

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No.	Revision	Date	By
1	Issued for Construction	2018-06-21	S.Z.

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RESIDENCE
 New Gazabo
 23 Steel Valley Road
 Markham, ON

Project: 1208831
 Date: 1/8/18
 Designer: ERIC MAY 2018

Floor Plans
 Drawing No. A100

