

# Memorandum to the City of Markham Committee of Adjustment

August 30, 2019

**File:** A/82/19  
**Address:** 6 Tollesbury Place Markham  
**Applicant:** TAES Architects Inc. (Shenshu Zhang)  
**Hearing Date:** Wednesday, September 11, 2019

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

The applicant is requesting relief from the following requirements of the Suburban Residential First Density (SUR1) zone in By-law 11-72, as amended:

- a) **Amending By-law 325-79, Section 3 (d):**  
a minimum side yard of 3.5 m (11.48 ft) at the north side lot line, whereas the By-law requires a minimum of 4.5 m (14.76 ft);
- b) **Parking By-law 28-97, Section 6.2.4.4 a) i) & 6.2.4.6:**  
driveway access to attached garage that faces an interior side lot line to have a minimum setback of 2.0 m (6.56 ft) from the interior side lot line, whereas the By-law requires a minimum of 4.5 m (14.76 ft);

as it relates to a proposed two-storey residential dwelling.

## BACKGROUND

### Property Description

The 4051.37 m<sup>2</sup> (43,609 ft<sup>2</sup>) subject property is located on the east side of Tollesbury Place, north of 16<sup>th</sup> Avenue and east of Warden Avenue. There is an existing one-storey detached dwelling on the property, which according to assessment records was constructed in 1981. Mature vegetation exists across the property. The property is located within an established residential neighbourhood comprised of mostly two-storey detached dwellings. It is partially within TRCA's Regulated Area as the rear portion of the site is within a valley corridor and Regulatory Storm floodplain associated with the Rouge River Watershed.

### Proposal

The applicant is proposing to demolish the existing dwelling and construct a new 1035.62 m<sup>2</sup> (114 ft<sup>2</sup>) two-storey detached dwelling. The proposed dwelling has an attached four-car garage and includes a front covered porch.

### 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, including 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 11-72

The subject property is zoned Suburban Residential First Density (SUR1) under By-law 11-72, as amended, which permits Single Detached Dwellings. The proposed development does not comply with the By-law requirements with respect to the side yard setback requirement.

#### Parking Standards By-law 28-97

The proposed dwelling does not comply with the standard of the Parking By-law 28-97 with respect to the minimum setback to the driveway. Further details of the parking requirement is provided in the comment section below.

#### **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 with an easement has a irregular shape and the garage doors are designed on side wall to east."*

#### **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) on August 8, 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.

#### **Reduced Setback to Driveway**

The applicant's initial request was for relief from Parking By-law 28-97 to permit a minimum setback of 2.0 m (6.56 ft) to a driveway within the front yard that provides access to an attached garage that faces an interior side lot line, whereas the by-law requires a minimum of 4.5 m (14.76 ft).

This represented a difference of approximately 2.5 m (8.20 ft). The variance was requested in part due to the location of the garage at the east side of the proposed dwelling. Through consultation with Staff, the applicant has revised their plans to show the majority of the driveway, including the portion within the front yard, with a driveway setback of approximately 4.20 m (13.77 ft). This is a reduction of 0.30 m (0.98 ft) from the by-law requirement. The remainder of the driveway within the interior side yard has a setback of 2.0 m (6.56 ft) and complies with the requirements of the by-law, as it is not located within the front yard. The proposed 2.0 m (6.56 ft) setback within the interior side yard allows for storm sewer and overland flow drainage through an easement in favour of the City. It should be noted that the dwelling maintains a setback of 7.37 m (24.17 ft) to the interior side lot line. Given the setback to the dwelling complies with the by-law, and the majority of the driveway is proposed to be setback 4.20 m, it is Staff's opinion that committee approve variance b) to state:

Driveway within the front yard that provides access to attached garage that faces an interior side lot line to have a minimum setback of 4.20 m (13.77 ft) from the interior side lot line, whereas the By-law requires a minimum of 4.5 m (14.76 ft);

It is Staff's view that this variance is minor in nature. Staff also recommend that as a condition of approval that the portion of the driveway within the interior side yard maintain a minimum 2.0 metre interior side yard, and that the Owner provide screening for the portion of the driveway that is setback 2.0 m and soft landscaping along the remainder of the driveway (see Appendix A).

**Reduced Side Yard Setback**

The applicant is requesting a minimum west side yard setback of 11.48 ft (3.5 m), whereas the By-law requires a minimum side yard setback of 14.76 ft (4.5 m). This represents a difference of 3.28 ft (1.0 m). This reduction is minor in nature and does not appear to negatively impact neighbouring properties in terms of grading or landscaping.

**TRCA Comments**

The subject property is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The rear portion of the site is traversed by a valley corridor associated with the Rouge River Watershed. TRCA provided comments on August 29, 2019 (Appendix C), indicating that that they have no concerns subject to conditions outlined in their letter.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of August 30, 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.

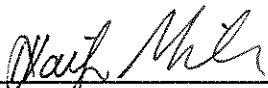
**CONCLUSION**

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:



Hailey Miller, Development Technician, Zoning and Special Projects

REVIEWED BY:



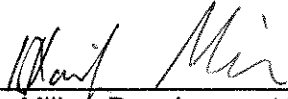
David Miller, Development Manager, West District

## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/82/19**

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 September 05, 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 portion of the driveway within the interior side yard maintain a minimum 2.0 metre interior side yard setback to the satisfaction of the Director of Engineering or their Designate;
4. 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;
5. 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;
6. 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;
7. That a Landscape Plan be provided showing adequate screening and soft landscaping between the driveway and property line, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
8. That the applicant submit a letter from the Toronto and Region Conservation Authority (TRCA) confirming that any TRCA conditions, financial or otherwise have been satisfied.

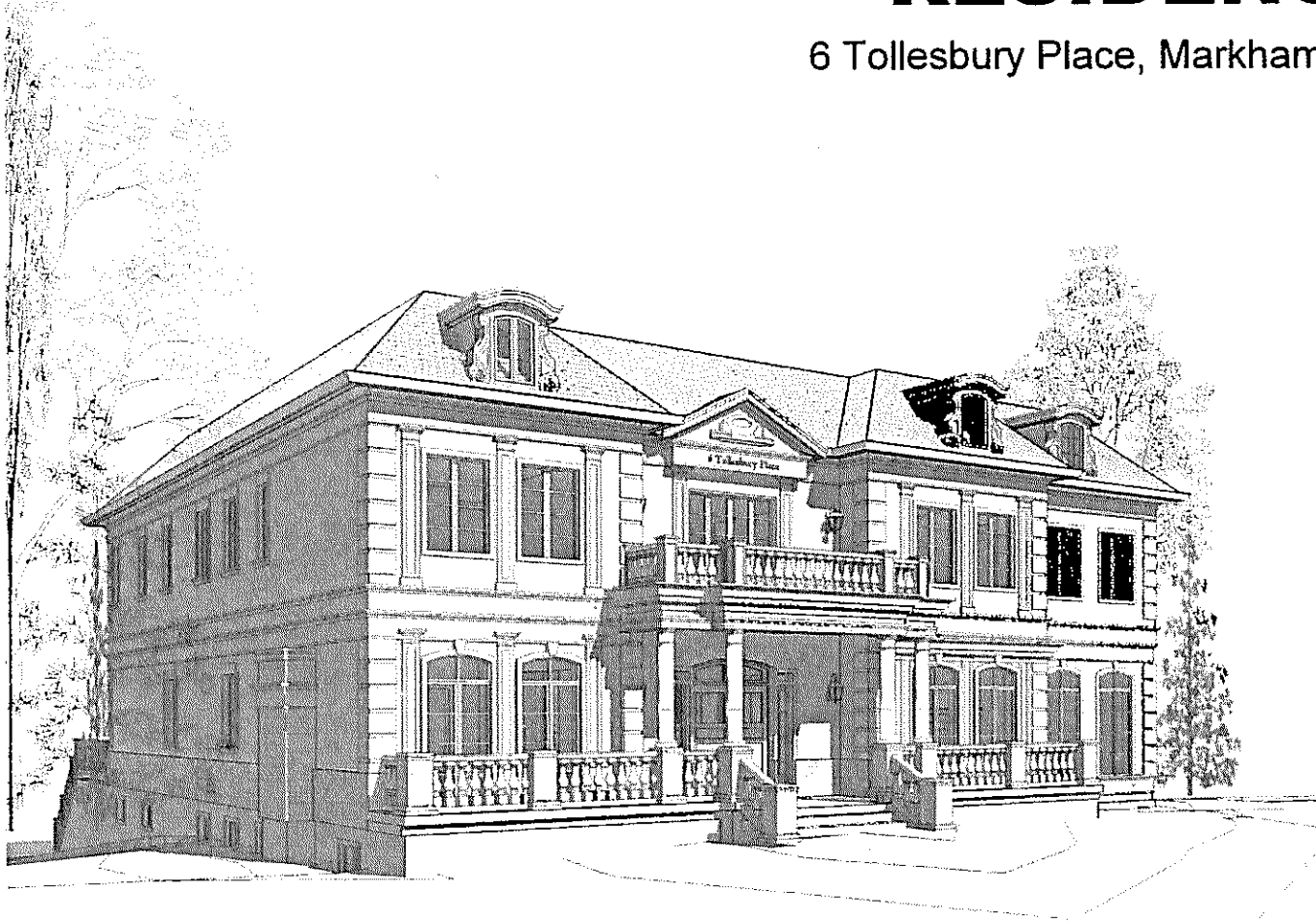
CONDITIONS PREPARED BY:



Hailey Miller, Development Technician, Zoning and Special Projects

# RESIDENCE

6 Tollesbury Place, Markham, ON



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No.	Revision	Date	By
1	Preliminary Zoning Review	2018-06-28	EW
2	Variance Application	2019-05-09	CR

### TAES Architects Inc.

86 SCARSDALE ROAD  
TORONTO, ON M2S 2R7 CANADA  
T: 416 800 3284 F: 416 800 3405

6 Tollesbury Place

Markham, ON

Project number T2019006

Drawn Scale

Checked Date AUGUST 2019

Cover

Drawing No. A000

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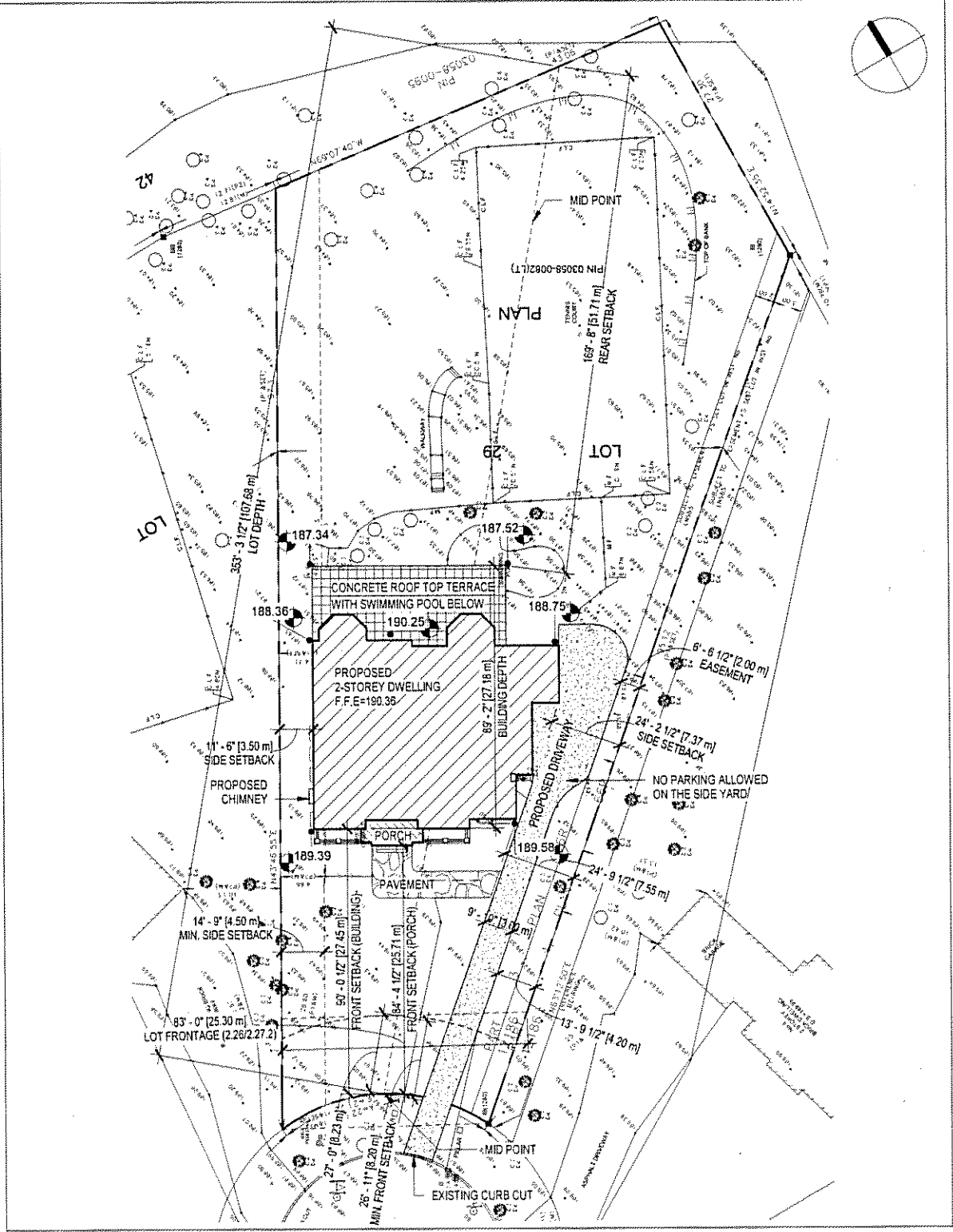
No.	Revision	Date	By
1	Preliminary Zoning Review	2019-06-29	EVY
2	Variance Application	2019-08-06	LCR

**TAES Architects Inc.**  
 88 SPENCERDALE ROAD  
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**6 Tollesbury Place**  
 Markham, ON

Project Number: 17010003  
 Date: 10/23/14  
 Scale:  
 Checked: Date: AUGUST 2019

**Site Plan**  
 Drawing No. A001



<b>ZONING</b>	SUR1 (BY-LAW 11-72)	<b>LOT NO.</b>	29
<b>PLAN NO.</b>	M-1962	<b>LOT AREA</b>	43610 SF (4051.37 M <sup>2</sup> )
<b>LOT FRONTAGE</b>	63' - 2" (25.35 M)	<b>LOT DEPTH</b>	353' - 3 1/2" (107.68 M)

DESCRIPTION	EXISTING	PROPOSED	REQUIRED	SECTION	
MIN. LOT FRONTAGE		63' - 0" (25.30 M)	25.30 M	3(d)(i)	
MIN. LOT AREA		4051.37 M <sup>2</sup>	(4000M <sup>2</sup> )/0.4 Hect		
MAX. BUILDING HEIGHT		10.70 M	10.70 M	3(d)(v)	
NO. OF STORIES		2			
MIN. FLOOR AREA, GROSS(INC. GARAGE)		11148 SF (1035.62 M <sup>2</sup> )	186 M <sup>2</sup>	3(d)(iii)	
GARAGE AREA		846 SF (78.59 M <sup>2</sup> )			
SW POOL AREA		1633 SF (151.71 M <sup>2</sup> )			
BUILDING AREA(INC. SW POOL)		6500.86SF (603.93M <sup>2</sup> )			
MAX LOT COVERAGE		6500.86SF (603.93M <sup>2</sup> )	14.9%	25%	3(d)(iv)
BUILDING DEPTH (INC. SW POOL)		27.32 M			
DRIVEWAY WIDTH		17' - 10 1/2" (5.44 M)*	15' - 0" (4.88 M)		
DRIVEWAY SETBACK (EAST)		6' - 6 1/2" (2.00 M)*	24' - 2 1/2" (7.37 M)		

SETBACK	EXISTING	PROPOSED	REQUIRED	
FRONT (SOUTH)		84' - 4" (25.71 M)	8.2 M	3(d)(i)
SIDE (WEST)		11' - 6" (3.50 M)	4.5 M	
SIDE (EAST)		24' - 2 1/2" (7.37 M)	4.5 M	
REAR (NORTH)		169' - 8" (51.71 M)	12.0 M	

\*TRCA PERMIT ISSUED

\*ESTABLISHED GRADE:  
=187.34+188.36+189.39+187.52+188.74+189.58  
=188.49

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No.	Revision	Date	By
1	Preliminary Zoning Review	2019-06-20	EW
2	Variance Application	2019-08-05	JR

**TAES Architects Inc.**

58 SCARSDALE ROAD  
TORONTO, ON M3B 2K7 CANADA  
T: 416 800 3284 F: 416 800 3485

6 Tollesbury Place

Markham, ON

Project number: T2019028  
6" = 1'-0"

Drawn: Scale:

Checked: Date: AUGUST 2019

**Statistics**

Drawing No. **A002**



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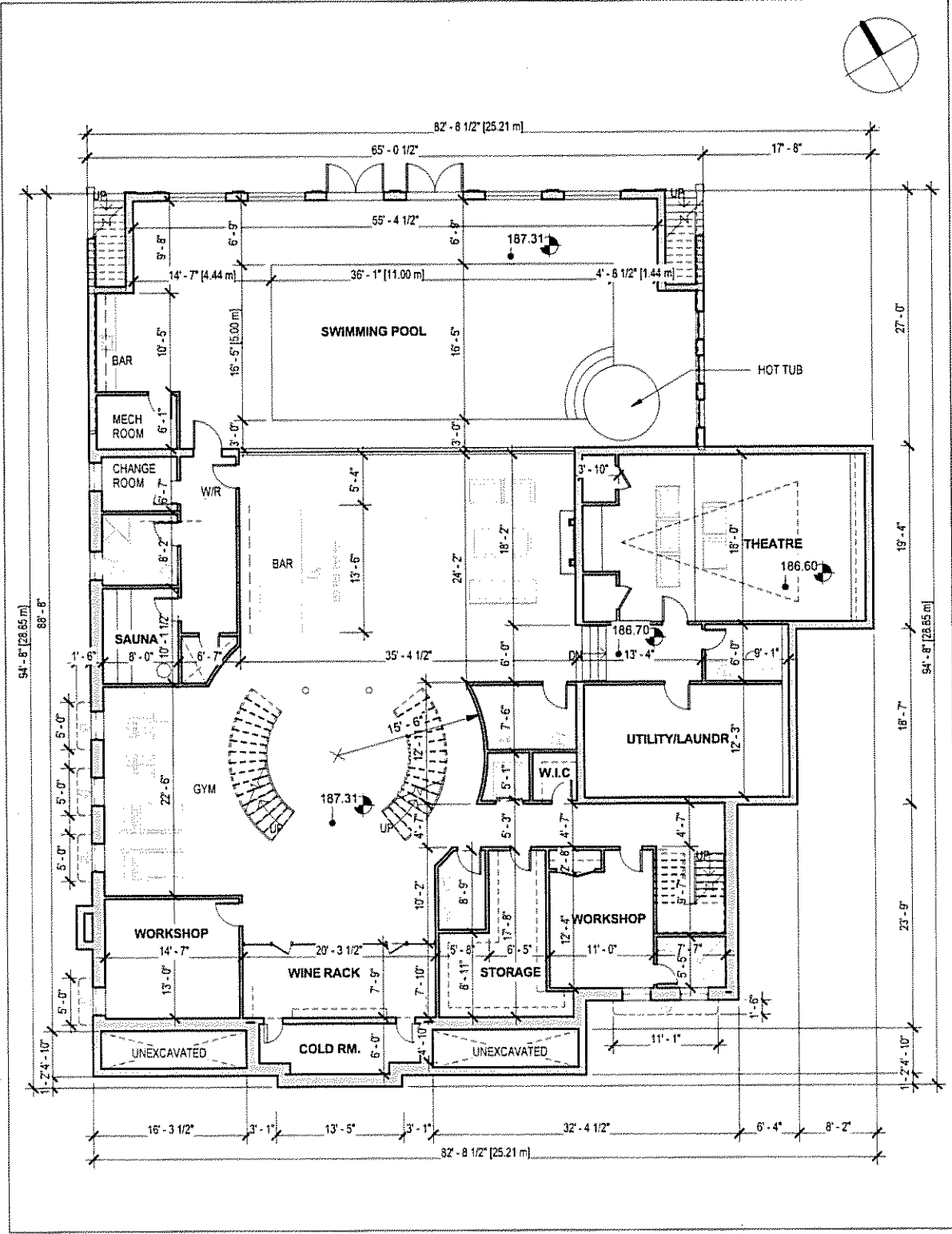
No.	Revision	Date	By
1	Prepared/Client Review	2011-08-23	CS
2	Revised Application	2011-08-25	CS

**TAES Architects Inc.**  
 88 SCARSDALE ROAD  
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 T: 416 800 3284 F: 416 800 3485

**6 Tollesbury Place**  
 Markham, ON

Project Number: T2018008  
 Scale: 1" = 10'-0"  
 Drawn: [Blank]  
 Checked: [Blank]  
 Date: AUGUST 2011

**Basement Floor**  
 Drawing No. **A101**



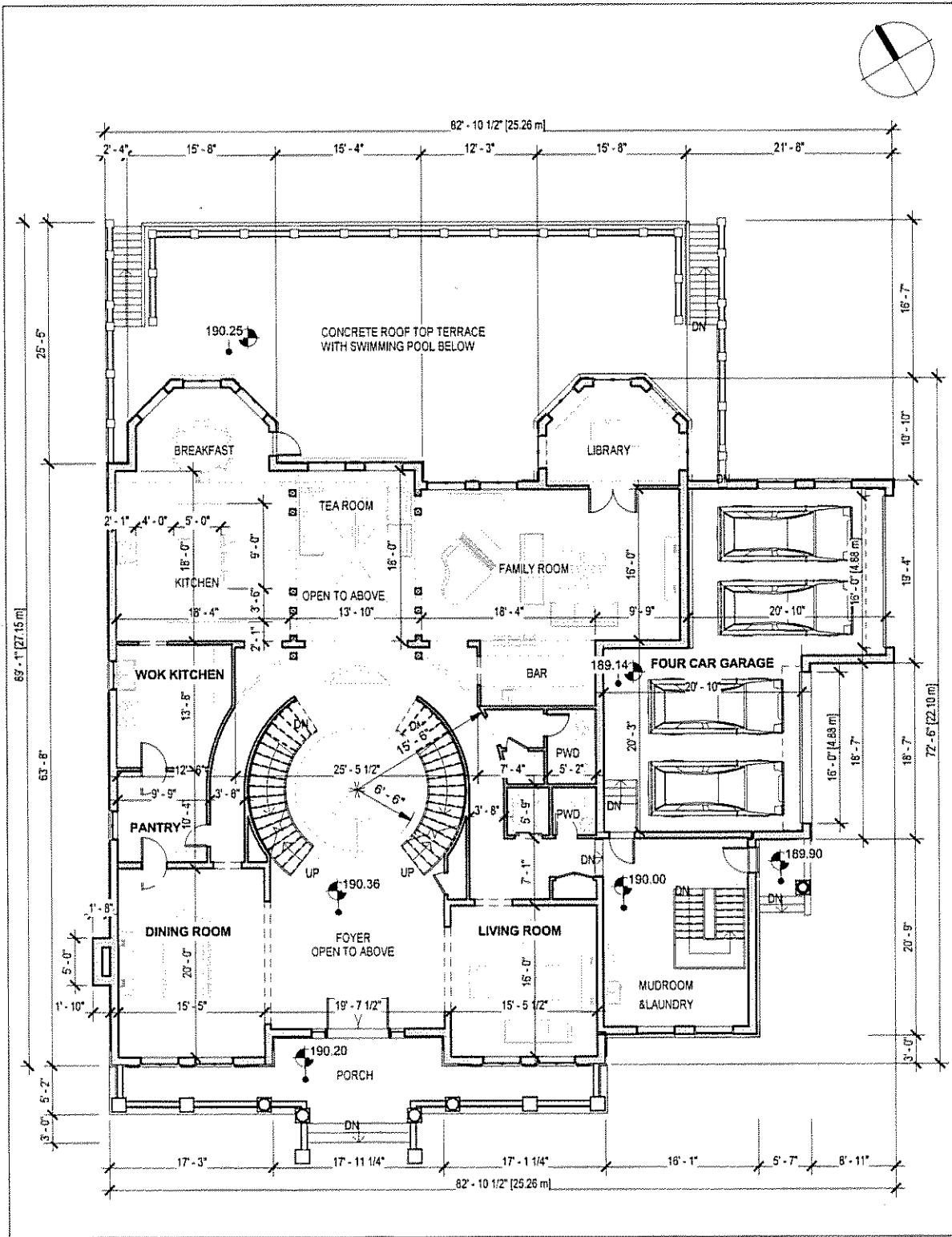
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No.	Revision	Date	By
1	Preliminary Zoning Review	2019-08-29	EVJ
2	Final Zoning Application	2019-08-29	EVJ
3	Final Zoning Application	2019-08-29	EVJ

**TAES Architects Inc.**  
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**6 Tollesbury Place**  
 Markham, ON  
 Project No: 2019-0020  
 Scale: 1" = 16'-0"  
 Drawn: [Blank]  
 Checked: [Blank]  
 Date: AUGUST 2019

**Ground Floor Plan**  
 Drawing No. **A102**



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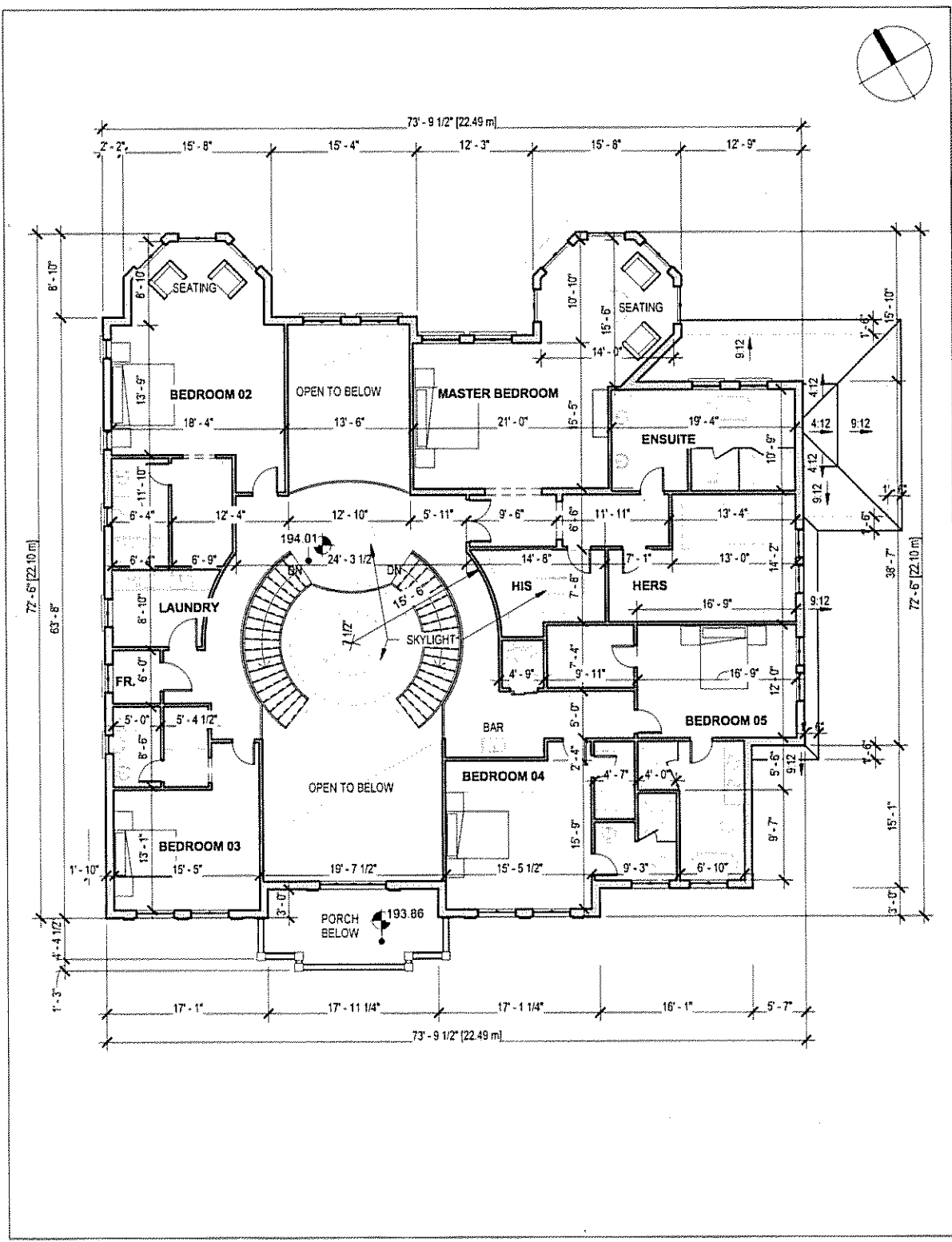
No.	Revision	Date	By
1	Preliminary Drawing Review	2015-06-25	EW
2	Valiance Application	2015-08-05	EW

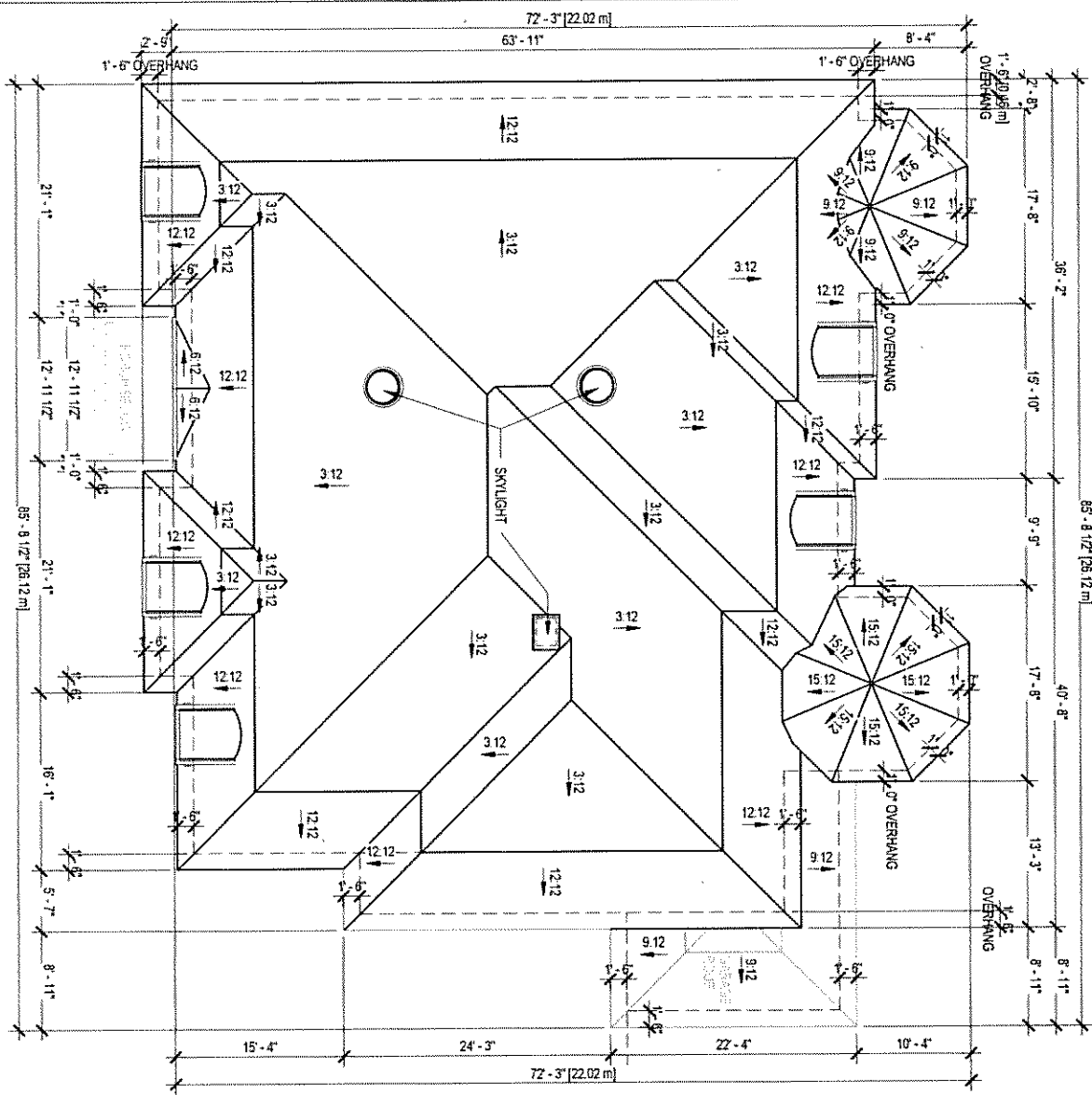
**TAES Architects Inc.**  
 88 SECORDALE ROAD  
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 T. 416 803 3284 F. 416 803 3465

**6 Tollesbury Place**  
 Markham, ON

Project Number	17210029
Scale	1" = 10'-0"
Drawn	
Checked	
Date	AUGUST 2015

**Second Floor Plan**  
 Drawing No. **A103**





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No.	Revision	Date	By
1	Preliminary Zoning Review	2019-06-29	EW
2	Variance Application	2019-08-05	JCR

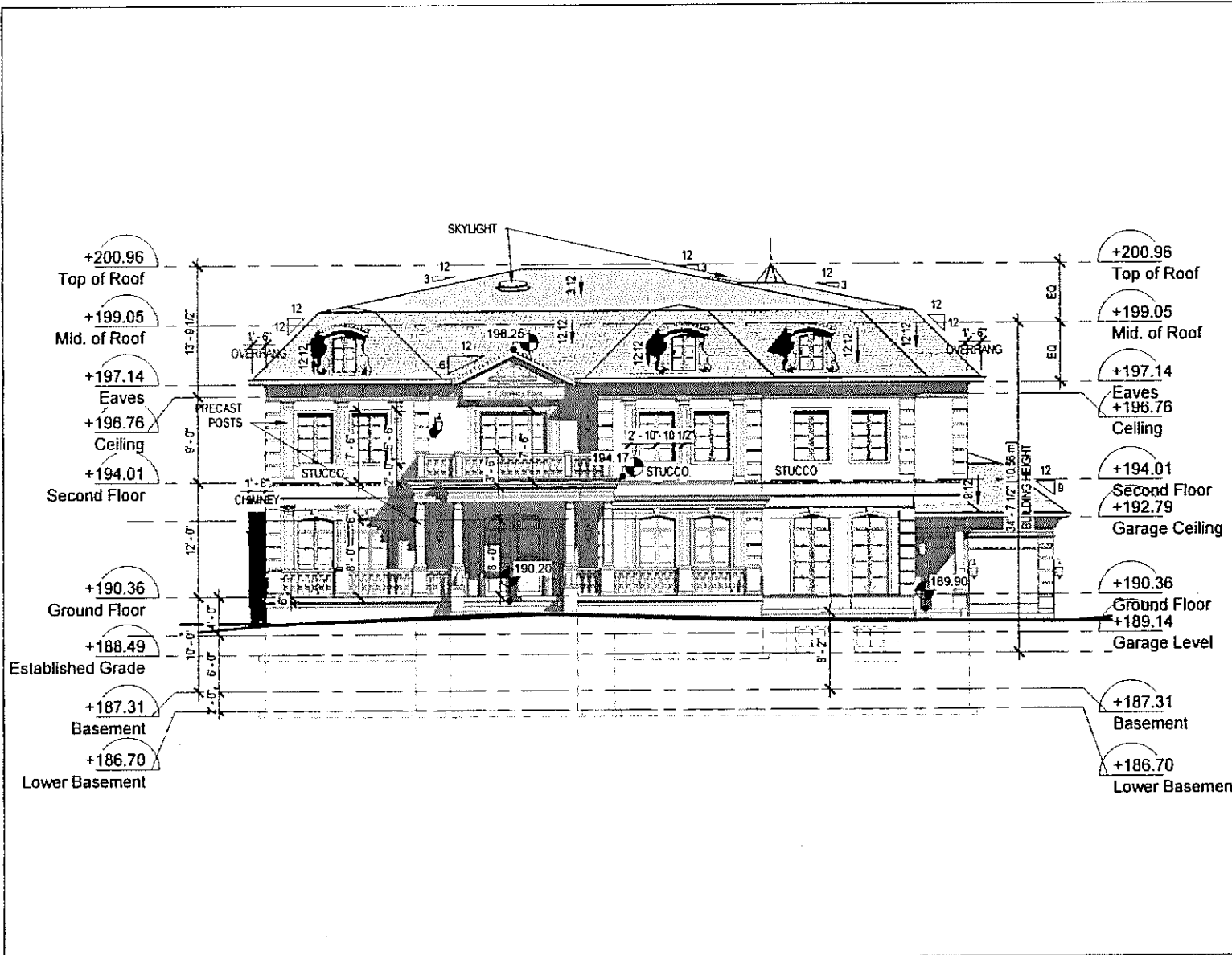
**TAES Architects Inc.**  
 88 SCARSDALE ROAD  
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**6 Tollesbury Place**  
 Markham, ON

Project number	T2019033 1" = 10'-0"
Drawn	Scale
Checked	Date AUGUST 2019

**Roof Plan**

Drawing No. **A104**



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No.	Revision	Date	By
1	Preliminary Zoning Review	2019-05-28	EW
2	Variance Application	2019-09-09	CR

**TAES Architects Inc.**  
 98 SCARSDALE ROAD  
 TORONTO, ON M0B 2R7 CANADA  
 T: 416 800 3284 F: 416 800 3485

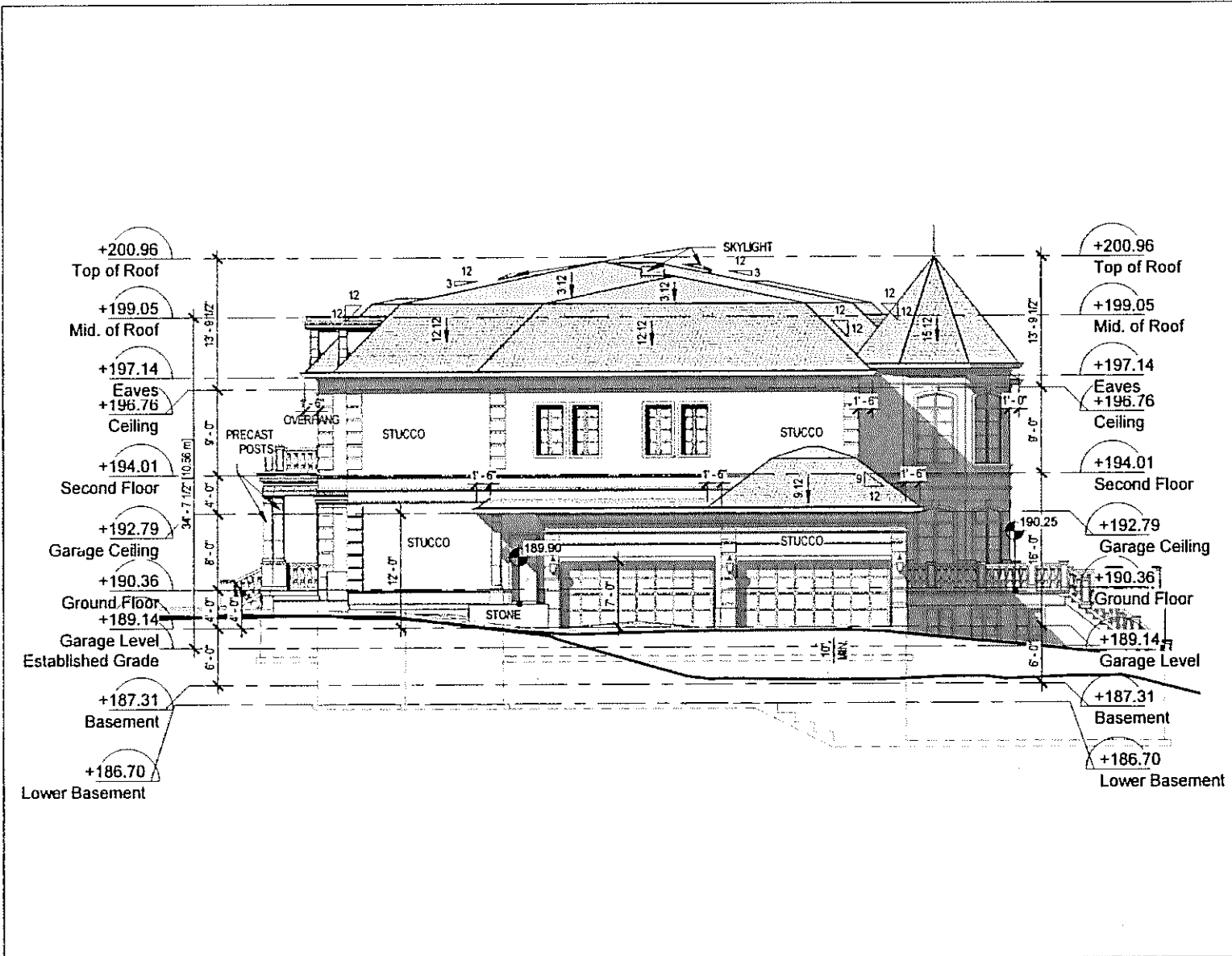
**6 Tollesbury Place**  
 Markham, ON

Project number	T2019036 1" = 12'-0"
Drawn	Scale
Checked	Date AUG 26 2019

**South (Front) Elevation**

Drawing No. **A201**





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No.	Revision	Date	By
1	Preliminary Zoning Review	2019-05-29	EW
2	Variance Application	2019-08-09	CR

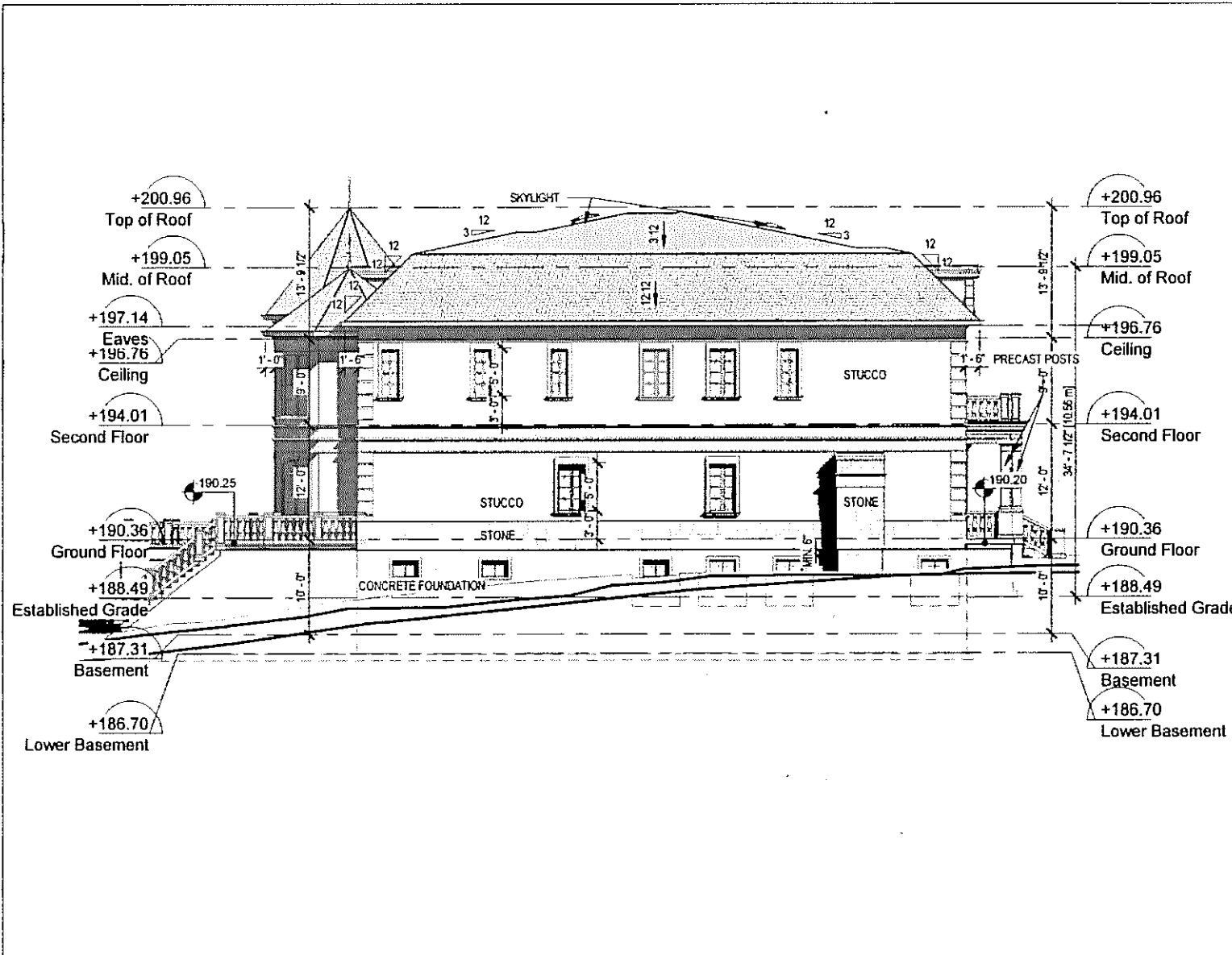
**TAES Architects Inc.**  
 86 SCARSDALE ROAD  
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**6 Tollesbury Place**  
 Markham, ON

Project number	T2019038 1" = 10'-0"
Drawn	Scale
Checked	Date AUGUST 2019

**East Elevation**

Drawing No. **A203**



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No.	Revision	Date	By
1	Preliminary Zoning Review	2019-06-28	EW
2	Variance Application	2019-08-09	CR

**TAES Architects Inc.**  
 96 SCARSDALE ROAD  
 TORONTO, ON M0B 2R7 CANADA  
 T: 416 800 3254 F: 416 800 3485

**6 Tollesbury Place**  
 Markham, ON

Project number	T2019008 1" = 10'-0"
Drawn	Scale
Checked	Date AUGUST 2019

**West Elevation**

Drawing No. **A204**





August 29, 2019

CFN 60812.11  
X Ref CFN 61577

**By Email Only (email: JLeung@markham.ca)**

Mr. Justin Leung  
Secretary-Treasurer  
Committee of Adjustment  
City of Markham  
101 Town Centre Boulevard  
Markham, ON L3R 9W3

Dear Mr. Leung:

**Re: A/82/19 (Minor Variance Application)  
6 Tollesbury Place, City of Markham  
Owner: Yuan Tian**

Thank you for the opportunity to review the above captioned application. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and our comments are provided herein.

**Purpose of the Application**

It is our understanding that the applicant is requesting relief from the requirements of By-law 11-72, as amended, as it relates to a proposed two-storey residential dwelling. The requested variance(s) to the Zoning By-law are identified below.

- a) Amending By-law 325-79, Section 3 (d)**  
To permit a minimum side yard of 3.5 metres (11.48 feet) at the north side lot line, whereas the By-law requires a minimum of 4.5 metres (14.76 feet);
- b) Parking By-law 28-97, Section 6.2.4.4 a) i) & 6.2.4.6**  
To permit driveway access to attached garage that faces an interior side lot line to have a minimum setback of 2.0 metres (6.56 feet) from the interior side lot line, whereas the By-law requires a minimum of 4.5 metres (14.76 feet).

**Applicable TRCA Regulations and Policies**

The TRCA provides our technical review comments through a number of roles. This includes TRCA's commenting role under the *Planning Act*; the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (2014); TRCA's Regulatory Authority under Ontario Regulation 166/06, as amended (Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses); and our Memorandum of Understanding with the Region of York where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

**Ontario Regulation 166/06, as amended:**

Based on the available information at this time, the subject property is entirely within TRCA's Regulated Area as it is located within the 120 metre area of interference associated with a Provincially Significant Wetland (PSW) and located partially within a valley corridor and Regulatory Storm floodplain associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, a permit is required from the TRCA prior to any of the following works taking place in the Regulated Area:

- a) a straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. The construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. Site grading, or;
- iv. The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

**Living City Policies for Planning and Development in the Watersheds of the TRCA:**

The Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP) is a TRCA policy document that guides the implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the "Natural System" as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), stable toe of slope, Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 metre buffer from PSWs and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

**Application Specific Comments**

TRCA staff note that the subject property is currently developed with a dwelling, garage, driveway and tennis court. The rear (i.e. northeast) portion of the property is within a valley and Regulatory Storm floodplain. A PSW feature is located on the adjacent properties at the bottom of the valley.

Based on our review, the proposed replacement dwelling appears to be located outside of the 10 metre buffer to the valley corridor and more than 30 metres from the PSW feature. As a result, TRCA staff have no objection to the location of the replacement dwelling.

**Permitting (Ontario Regulation 166/06):**

As noted above, based on the available information at this time, the subject property is located entirely within TRCA's Regulated Area. As such, a TRCA permit is required from this Authority prior to any works commencing on subject property, pursuant to Ontario Regulation 166/06, as amended.

TRCA Permit No. C-190550 was issued on June 7, 2019 for minor landscaping alterations at the rear of the existing dwelling; however, a separate TRCA permit will be required for the proposed dwelling. The following items are to be submitted for the TRCA permit application once the owner has obtained all necessary planning approvals (e.g. minor variance):

1. Permit Application Form – Please refer to <https://trca.ca/planning-permits/apply-for-a-permit/>
2. Permit Application Fee – \$470 (2018 Permitting Services Fee Schedule – Single Residential – Minor.
3. 4 x hardcopies of a grading plan with erosion and sediment control measures  
Note: Please delineate the rest of the top of slope (i.e. continue the line south) and 10 metre buffer
4. 4 x hardcopies of the detailed drawings

This application is to be submitted to our office by mail or in person.

**Application Review Fee**

By copy of this letter, the applicant is advised that the TRCA's review fee for this application is \$580 (2018 TRCA Planning Fee Schedule – Residential Variance – Minor). This fee must be provided to our office within 60 days of this letter.

**Recommendation**

In light of the above, TRCA staff have no objection to this application, subject to the following conditions:

1. That the applicant remits the outstanding TRCA Planning Services review fee of \$580;
2. That the owner obtained a permit from the TRCA under Ontario Regulation 166/06, as amended, for the proposed development.

I trust these comments are of assistance. Should you have any questions, please do not hesitate to contact me at the undersigned.

Sincerely,



Michelle Bates  
Planner I  
Development Planning and Permits  
Extension 5618

MB/lb