

Memorandum to the City of Markham Committee of Adjustment
January 28, 2019

File: B/24/18, A/179/18, A/180/18
Address: 8 Hughson Dr Markham
Applicant: Daniel Pasta & Filomena Greco
Agent: Daniel Pasta
Hearing Date: Wednesday February 06, 2019

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

Consent Application B/24/18

The applicant is requesting provisional consent to:

- a) Sever and convey a parcel of land with a lot frontage of 14.97 m and an approximate lot area of 827.50 m² (Part 1);
- b) Retain a parcel of land with a lot frontage of 14.97 m and an approximate lot area of 827.50 m² (Part 2).

The purpose of this application is to create a new residential lot.

Minor Variance Application A/179/18 (Part 1 – Conveyed)

The applicant is requesting relief from the requirements of By-law 221-81, as amended, as it relates to a proposed residential dwelling (Part 1):

- a) **Amending By-law 2012-13, Section 7.2.2 (i):**
A minimum front yard setback of 8.55 m, whereas the By-law requires a minimum front yard setback of 9.0 m;
- b) **Amending By-law 2012-13, Section 7.2.2 (ix):**
A maximum dwelling depth of 23.43 m, whereas the By-law permits a maximum building dwelling depth of 19.9 m.

Minor Variance Application A/180/18 (Part 2 – Retained)

The applicant is requesting relief from the requirements of By-law 221-81, as amended, as it relates to a proposed residential dwelling (Part 2):

- a) **Amending By-law 2012-13, Section 7.2.2 (ii):**
A minimum interior side yard setback of 1.60 m, whereas the By-law requires a minimum interior side yard setback of 1.80 m;
- b) **Amending By-law 2012-13, Section 7.2.2 (ix):**
A maximum dwelling depth of 23.43 m, whereas the By-law permits a maximum building dwelling depth of 19.9 m.

BACKGROUND

Property Description

The 1,655 m² subject property is located in the area north of Highway 7 East, east of Woodbine Avenue. The surrounding area consists of one and two storey detached dwellings on larger lots (Appendix "D"). The property contains a 354.61 m² existing one-storey detached dwelling with an attached double car garage and a storage shed. Mature vegetation surrounds the perimeter of the property and is a predominant characteristic of the neighbourhood.

Proposal

The applicant is proposing to sever and convey a parcel of land with an approximate lot frontage of 14.97 m, and an approximate lot area of 827.5 m², while retaining a parcel of land with an approximate lot frontage of 14.97 m, and an approximate lot area of 827.5 m², to facilitate the development of two residential lots (Appendix "E"). The existing one-storey residential dwelling and shed on the site are proposed for demolition as part of the proposed development.

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov. 24/17, and further updated on April 09/18)

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.

The two proposed dwellings conform to the Residential Low Rise criteria in the City of Markham's Official Plan.

Zoning By-law

The subject property is zoned "Third Density – Single Family Residential" (R3*2) within By-law 221-81, as amended by By-law 2012-13, which permits single family dwellings.

OMB Order Relating to By-law 2012-13

On August 8, 2012, the Ontario Municipal Board (OMB) issued a decision as it relates to appeals in connection with a By-law (By-law 2012-13) enacted by the City of Markham. The purpose of the By-law is to introduce a series of zoning standards to the subdivision in which the subject lands are situated, so that redevelopment can proceed subject to updated standards. As it relates to lot division, the By-law provides a performance standard for minimum lot frontage set out as 50% of the lot frontage of a lot of record existing on the date of the passing

of the By-law amendment, as well as a standard for minimum lot area, also set at 50% of a lot of record existing on the date of the passing of the By-law amendment.

The conveyed development lot (Part 1), does not comply with the zoning By-law with respect to minimum front yard setback, and maximum building depth. The retained development lot (Part 2), does not comply with the zoning By-law with respect to minimum interior side yard, and maximum building depth.

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

- "Irregular front lot line and front yard setback. Variance is requested to accommodate front porch" (A/179/18)
- "Irregular pie shaped lot is narrower at the front" (A/180/18)
- "Maximum dwelling depth includes front and rear porches" (A/179/18 & A180/18)

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm all of the variances required for the proposed dwellings.

COMMENTS

Consent Application B/24/18

The proposed development lots, as outlined in the draft reference plan (Appendix "E"), comply with the minimum 50% lot frontage and lot area of a lot of record existing provision established in amending zoning By-law 2012-13, as it relates to lot creation. Staff note that the neighbourhood is experiencing a transition towards new residential homes on newly created lots, and that the lots proposed as part of this application will be compatible with other recently created lots in the neighbourhood and zoning criteria for lot area and frontage.

Notwithstanding, the City's Engineering department advises that in conjunction with the building permits for each individual lot, the Owner will be required to submit a separate site servicing and grading plan for review and approval by the City. At such time, the Owner must also make satisfactory arrangements with the City's Engineering Department – Municipal Inspections, for the installation of the proposed sanitary, storm and watermain service connections to service the newly created lot and disconnect any unused service connection.

Additionally, Urban Design Staff have reviewed the application and have no comments. Tree related issues including but not limited to the preservation and removal of trees, fencing, and compensation, will be dealt with by the City's Operations department through the Residential Infill Grading and Servicing process.

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.

Minor Variance Application A/179/18 (Part 1 – Conveyed)

The applicant is requesting a minimum front yard setback of 8.55 m, whereas the By-law requires a minimum front yard setback of 9.0 m. This represents a decrease of 0.45 m from the By-law. Notwithstanding the proposed setback reduction required to accommodate the proposed front porch, the remaining of the proposed dwelling complies with the minimum front yard setback requirement (Appendix "F"). Additionally, the proposed dwelling is generally aligned with the front main wall of the neighbouring dwellings to the east and west.

Minor Variance Application A/180/18 (Part 2 – Retained)

The applicant is requesting a minimum interior side yard setback of 1.6 m, whereas the By-law requires a minimum interior side yard setback of 1.8 m. This represents a decrease of 0.20 m from the By-law. The subject lot's irregular shape becomes narrower towards the front lot line, and as such, the majority of the dwelling complies with the 1.8 m interior side yard setback as the lot widens towards the rear lot line (Appendix "G").

Minor Variance for Increased Maximum Building Depth (Parts 1 & 2)

The applicant is requesting a maximum building depth of 23.43 m for both development lots, whereas the By-law requires a maximum building dwelling depth of 19.9 m. This represents an increase of 3.53 m from the By-law. The dwelling depth includes the depth of the front and rear covered porches, and a variance would not be required if the porches were not included. As such, Staff do not anticipate the increase in depth to have any adverse affects on neighbouring properties as the proposed porches are unenclosed.

PUBLIC INPUT SUMMARY

No written submissions related to this application have been received as of January 25, 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


In concluding that the proposal is appropriate, Staff have had regard for the criteria in Section 51 (24) of the Planning Act and have no objection to the proposed consent application (B/24/18).

Furthermore, Staff are of the opinion that the minor variances requested (A/179/18 & A/180/18) will not result in the development of dwellings that are incompatible

with the surrounding context. 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 Appendices "A", "B", and "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Luis Juarez, Planner, Central District

REVIEWED BY:



Richard Kendall, Development Manager

Appendices

- Appendix "A" – Conditions of Approval (B/24/18)
- Appendix "B" – Conditions of Approval (A/179/18)
- Appendix "C" – Conditions of Approval (A/180/18)
- Appendix "D" – Location & Zoning Map
- Appendix "E" – Draft Reference Plan
- Appendix "F" – Plans (A/179/18)
- Appendix "G" – Plans (A180/18)

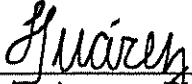
File Path: Amanda\File\18 258807\Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/25/18

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary Treasurer of the required transfers to effect the severances applied for under File B/24/18, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. That the Owner submits a Tree Assessment and Preservation Plan prepared by a qualified Arborist in accordance with the City's Streetscape Manual (2009), as amended from time to time to the satisfaction of the Director of Planning and Urban Design, or their designate.
5. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree protection fencing is erected in accordance with the City's Streetscape Manual (2009), as amended from time to time and inspected to the satisfaction of the Director of Planning and Urban Design, or their designate.
6. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree replacements are provided and/or tree replacement fees area paid to the City, if required by the Director of Planning and Urban Design, or their designate.
7. Submission of an Appraisal Report prepared by a member of the Appraisal institute of Canada in accordance with the City's terms of reference respecting the proposed new lot shown as Part 1 on the draft reference plan submitted with the application; to be reviewed and approved by the City; payment of cash-in-lieu of Parkland dedication in accordance with By-law 195-90, as amended, 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. Confirmation that there are no existing easements registered on title in favour of the City that will be impacted by the proposed severance, to the satisfaction of the director of Engineering or his designate.

12. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
13. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate.
14. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITONS PREPARED BY:



Luis Juarez, Planner, Central District

9. Submission of a functional servicing plan to demonstrate how individual water and sewer services will be provided for the severed lot (Part 1), to the satisfaction of the Director of Engineering or his designate.
10. Submission of a functional grading plan to demonstrate that the proposed grades will be compatible with the existing grades, to the satisfaction of the Director of Engineering or his designate.
11. That the Owner shall enter into a Development Agreement with the City to the satisfaction of the Director of Planning and Urban Design, the City Solicitor, and the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens, and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - a. Siting of buildings, garages/driveways, lot grading and servicing plans as they relate to preservation of vegetation and replacement plantings, subject to review and approval by the Director of Planning and Urban Design;
 - b. Notice that the lands may not be connected to the City's water system, sewage system, and/or drainage system (The "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City;
 - c. Submission of cost estimate(s) respecting any landscape works required and Urban Design fees in accordance with the City's fee by-law;
 - d. Payment of any applicable processing fees as identified by the City; and,
 - e. Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement, 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.

APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF A/179/18

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 plans attached as Appendix "F" to this Staff Report and dated January 25, 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.

CONDITONS PREPARED BY:



Luis Juarez, Planner, Central District

APPENDIX "C"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF A/180/18

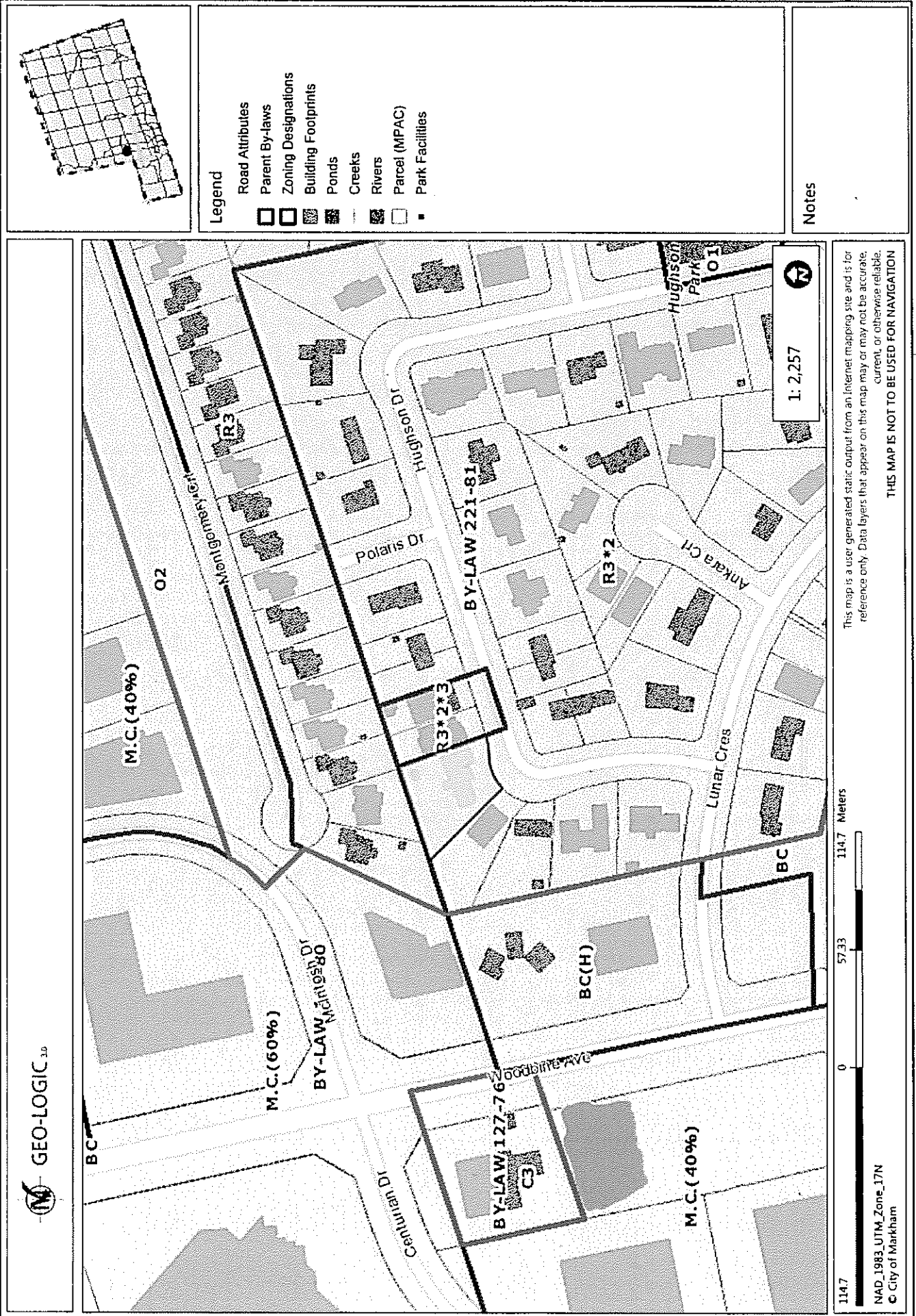
1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the plans attached as Appendix "G" to this Staff Report and dated January 25, 2019, and that the Secretary Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITONS PREPARED BY:

Juarez

Luis Juarez, Planner, Central District

APPENDIX B



- Legend**
- Road Attributes
 - Parent By-laws
 - Zoning Designations
 - Building Footprints
 - Ponds
 - Creeks
 - Rivers
 - Parcel (MPAC)
 - Park Facilities

Notes

1: 2,257

This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

114.7 Meters

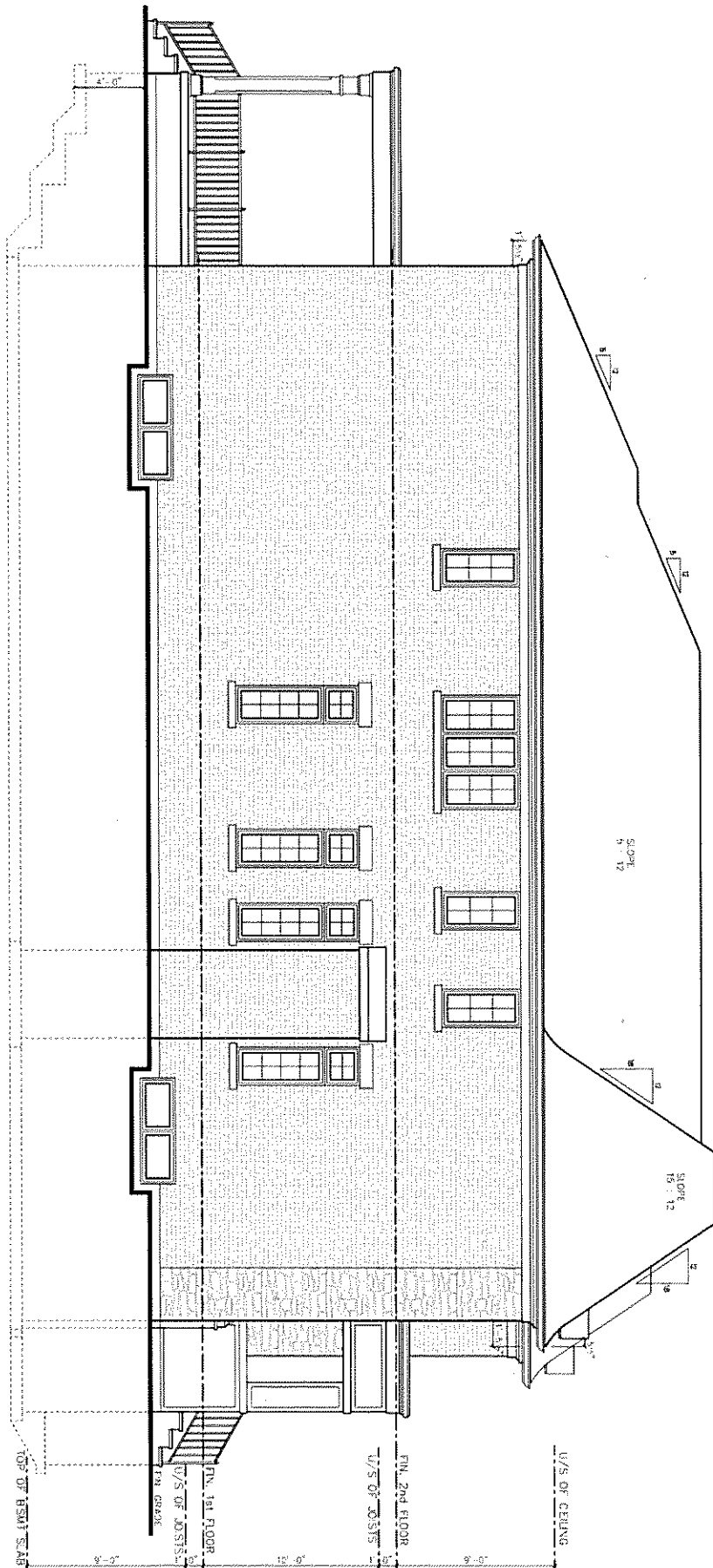
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GEO-LOGIC 3.0

NAD_1983_UTM_Zone_17N
 © City of Markham

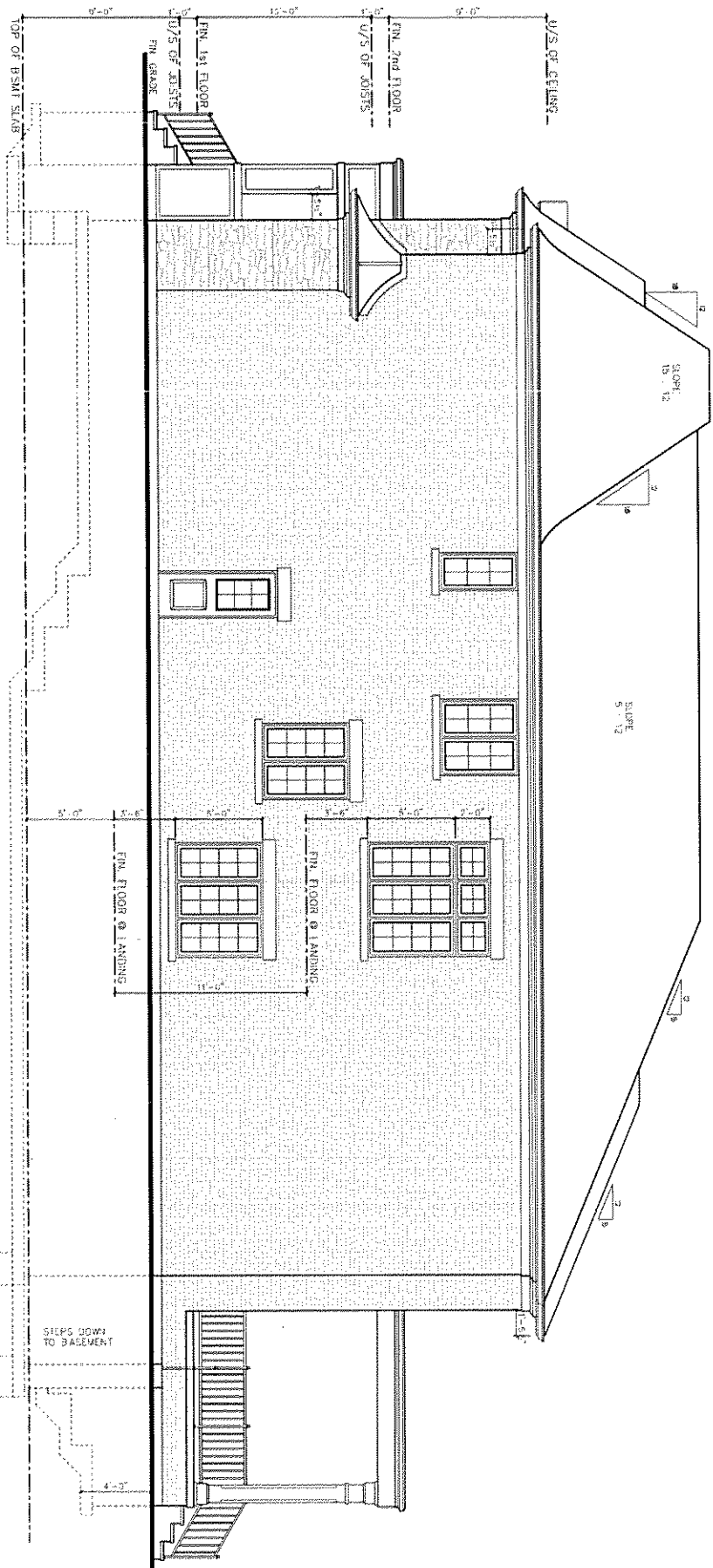
1
SIDE ELEV. West
Scale: 1/4" = 1'-0"



1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE ALARM AND SIGNALING CODE (NFPA 72).
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL MECHANICAL CODE (NMC) AND THE NATIONAL PLUMBING CODE (NPC).
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL GAS CODE (NGC) AND THE NATIONAL FUEL GAS CODE (NFGC).
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL HAZARDOUS LIQUID GAS CODE (NHLGC) AND THE NATIONAL HAZARDOUS GAS CODE (NHGC).
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL HAZARDOUS SOLID AND LIQUID WASTE CODE (NHLWSLWC) AND THE NATIONAL HAZARDOUS SOLID AND LIQUID WASTE MANAGEMENT CODE (NHLWSLWMC).
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL HAZARDOUS SOLID AND LIQUID WASTE TREATMENT AND DISPOSAL CODE (NHLWSLWTD) AND THE NATIONAL HAZARDOUS SOLID AND LIQUID WASTE TREATMENT AND DISPOSAL MANAGEMENT CODE (NHLWSLWTDMC).
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL HAZARDOUS SOLID AND LIQUID WASTE TREATMENT AND DISPOSAL TREATMENT AND DISPOSAL CODE (NHLWSLWTD) AND THE NATIONAL HAZARDOUS SOLID AND LIQUID WASTE TREATMENT AND DISPOSAL TREATMENT AND DISPOSAL MANAGEMENT CODE (NHLWSLWTDMC).
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 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL HAZARDOUS SOLID AND LIQUID WASTE TREATMENT AND DISPOSAL TREATMENT AND DISPOSAL CODE (NHLWSLWTD) AND THE NATIONAL HAZARDOUS SOLID AND LIQUID WASTE TREATMENT AND DISPOSAL TREATMENT AND DISPOSAL MANAGEMENT CODE (NHLWSLWTDMC).

CUSTOMER:
 84 JOHNSON PERM.
 1800 W. 10TH ST.
 DENVER, CO 80202
DATE: 05/13/2018
SCALE: 1/4" = 1'-0"
PROJECT: 442

FOR WALLS & ROOF
 89 HGT SCALE DIMENSIONS
 1/4" = 1'-0"
 05/13/2018



1 SIDE ELEV. east
Scale: 1/4" = 1'-0"

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

DATE: 10/1/2018
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 PROJECT: CUSTOM HOME
 SHEET: 1 OF 1

Project: CUSTOM HOME
 Client: J. B. BROWN
 Address: 12345 Main St, Anytown, VA 22000
 Date: 10/1/2018
 Scale: 1/4" = 1'-0"
 ELEVATIONS
 10/1/2018

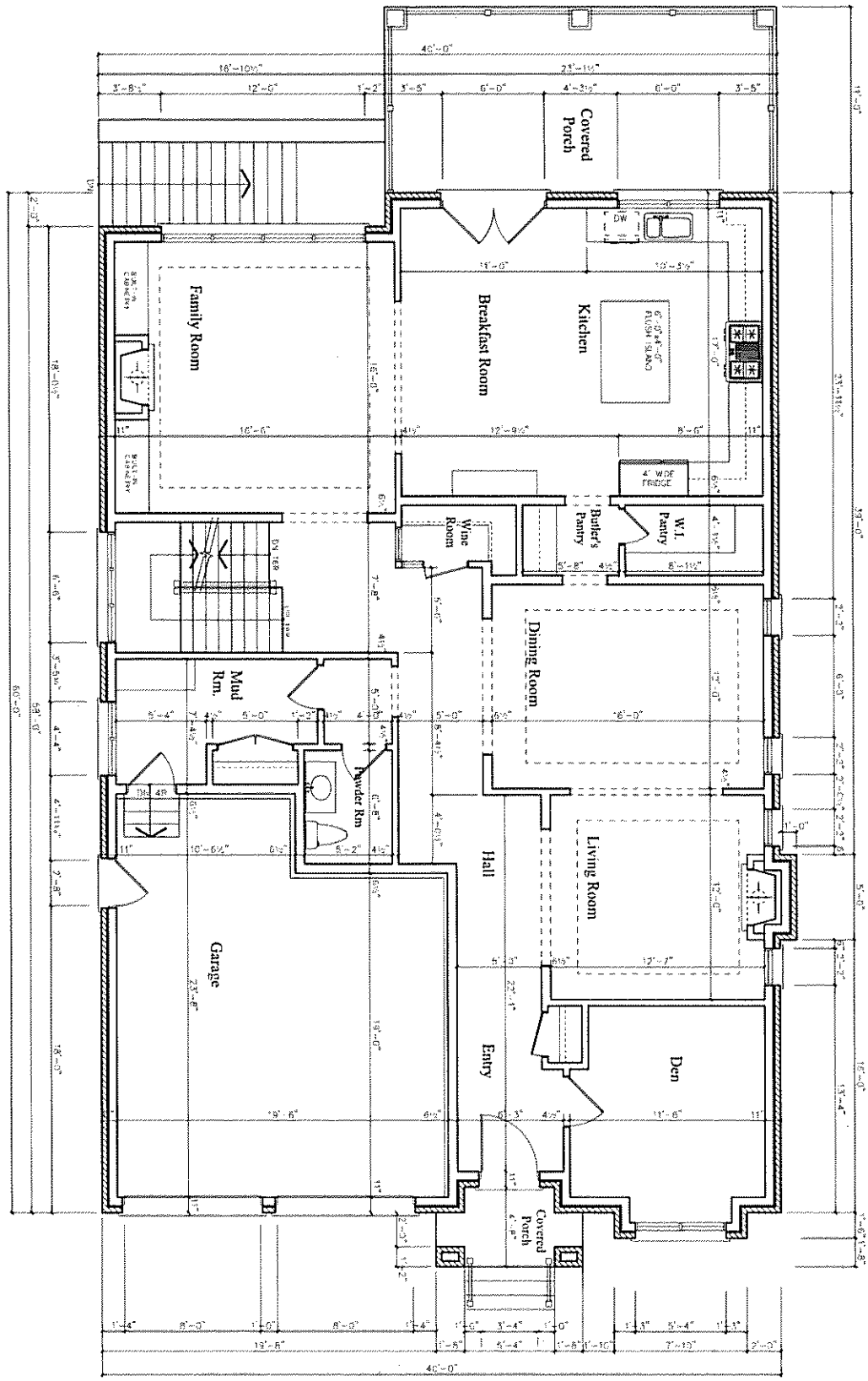
FOR WALLS & ROOF
 1. All exterior walls and roof shall be constructed in accordance with the Virginia Building Code (VBC) and the International Building Code (IBC) as amended.

2. All exterior walls shall be finished with a minimum of 1/2" thick Type S mortar and a minimum of 3/8" thick face brick or equivalent masonry units.

3. All exterior walls shall be finished with a minimum of 1/2" thick Type S mortar and a minimum of 3/8" thick face brick or equivalent masonry units.

4. All exterior walls shall be finished with a minimum of 1/2" thick Type S mortar and a minimum of 3/8" thick face brick or equivalent masonry units.

5. All exterior walls shall be finished with a minimum of 1/2" thick Type S mortar and a minimum of 3/8" thick face brick or equivalent masonry units.

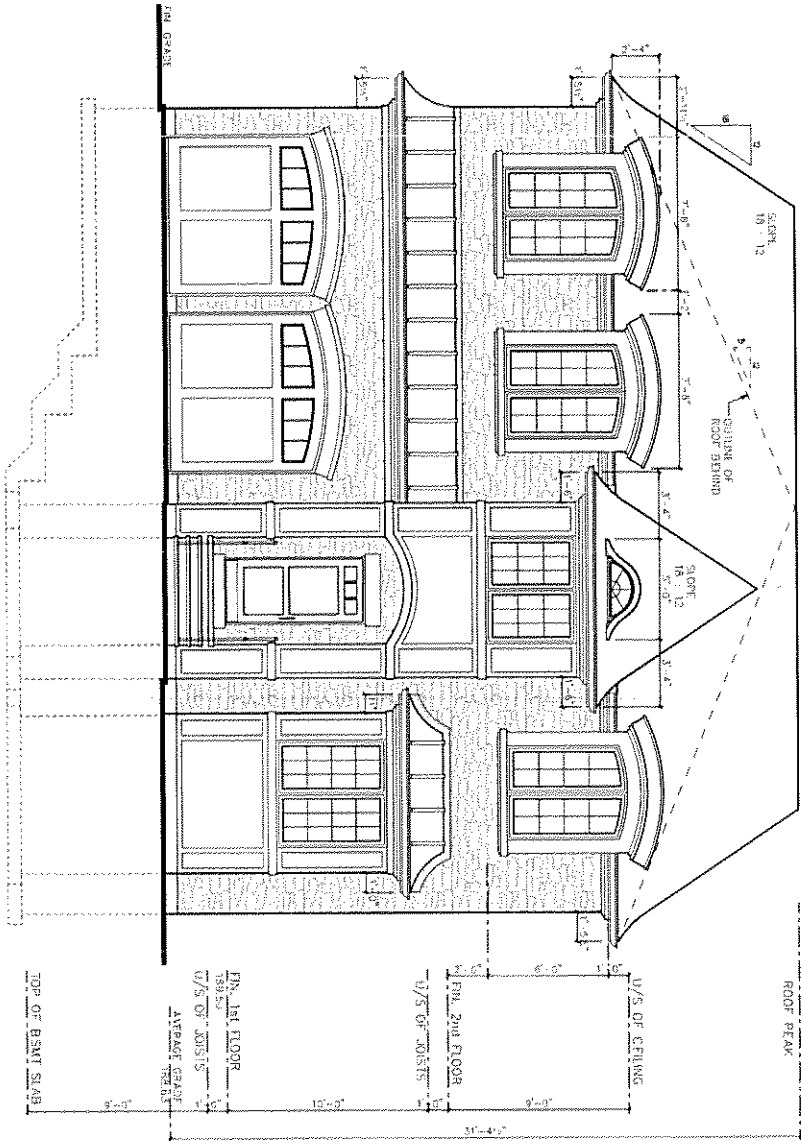


1 FIRST FLOOR PLAN
Scale: 1/4" = 1'-0"

PROJECT:	CUSTOM HOME
DATE:	10/1/2018
DESIGNER:	ARCHITECTURE & INTERIOR DESIGN, INC.
CLIENT:	8 WASHINGTON DRIVE, BARRINGTON, OHIO 44015
PROJECT NO.:	18-075
DATE:	10/1/2018
SCALE:	1/4" = 1'-0"
PROJECT:	CUSTOM HOME
DATE:	10/1/2018
DESIGNER:	ARCHITECTURE & INTERIOR DESIGN, INC.
CLIENT:	8 WASHINGTON DRIVE, BARRINGTON, OHIO 44015
PROJECT NO.:	18-075
DATE:	10/1/2018
SCALE:	1/4" = 1'-0"

Project: CUSTOM HOME
8 WASHINGTON DRIVE
BARRINGTON, OHIO 44015
10/1/2018
18-075
PLANS
1/4" = 1'-0"
OCT 2018 A12

DO NOT SCALE DIMENSIONS
FOR WALLS & ROOF

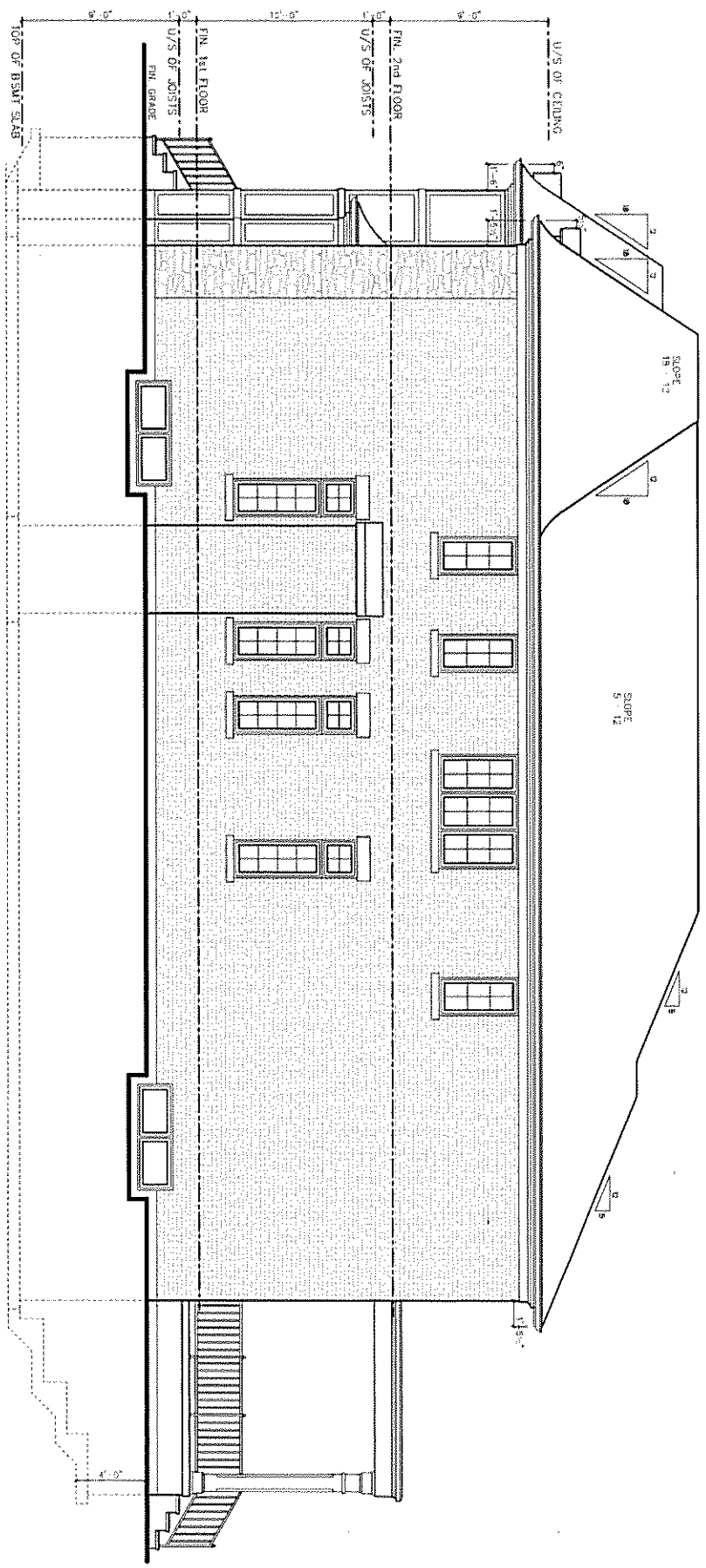


1 FRONT ELEV. South
Scale: 1/4" = 1'-0"

PROJECT NO.	2018-001
DATE	10/1/2018
CLIENT	Mr. & Mrs. J. Smith
ADDRESS	123 Main St., Anytown, VA
ARCHITECT	John Doe, Architect
PHONE	(555) 123-4567
FAX	(555) 987-6543
EMAIL	john.doe@johndoe.com
WEBSITE	www.johndoe.com

FOR WALLS & ROOF
DO NOT SCALE DIMENSIONS
FOR WALLS & ROOF
DO NOT SCALE DIMENSIONS

OCT 2018 423



1 SIDE ELEV. east
Scale: 1/4" = 1'-0"

PROJECT:	1214
DATE:	10/1/08
SCALE:	1/4" = 1'-0"
DESIGNER:	JRM
CHECKER:	JRM
DATE:	10/1/08

FOR WALLS & ROOF

DO NOT SCALE DIMENSIONS

DATE REVISION

REVISIONS

ELEVATIONS

PROJECT:
 CUSTOM HOME:
 B-HOUSEHOLD DRIVE
 WASHINGTON, ONT L0N 2T4
 SHEET NO. 103 OF 105

DATE: 10/1/08

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PROJECT NO.: 1214

DATE: 10/1/08

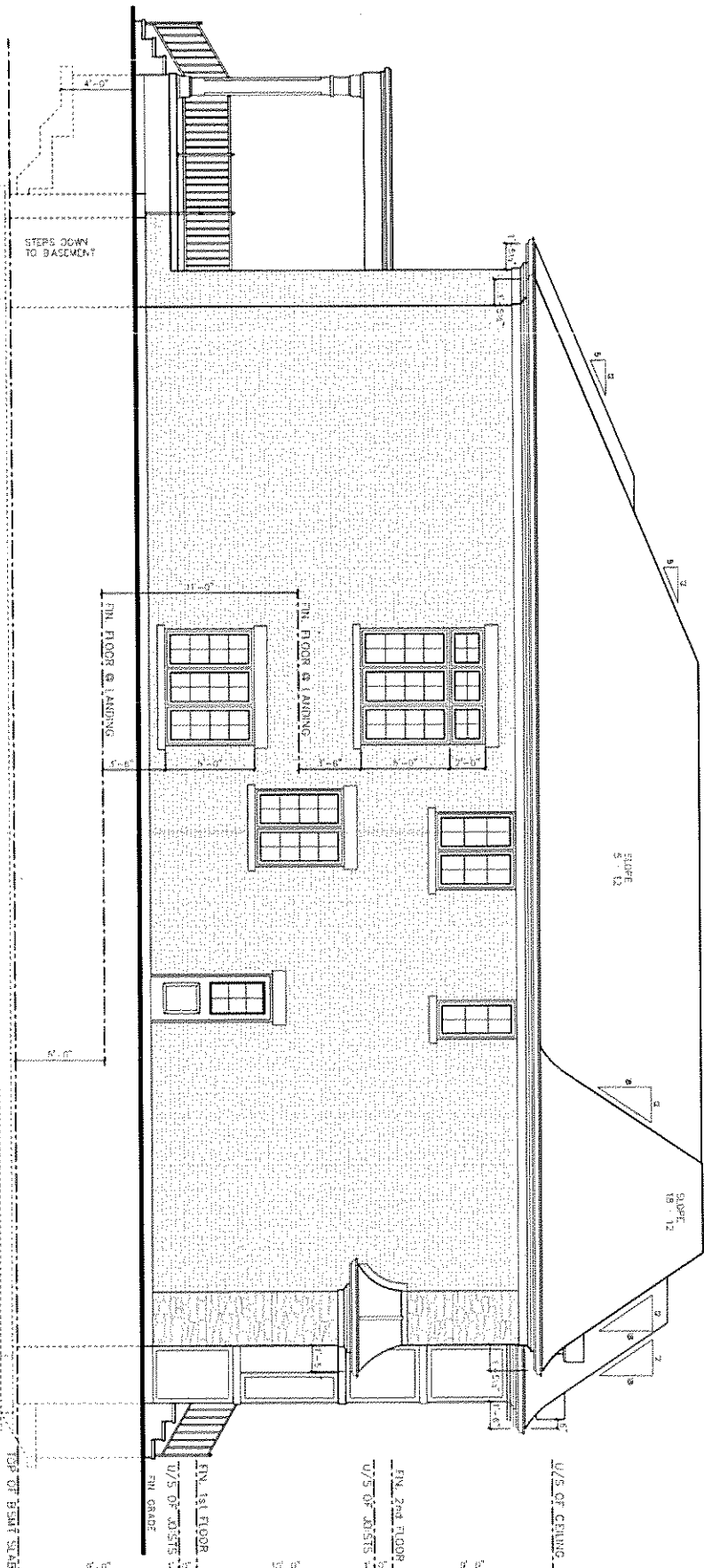
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PROJECT NO.: 1214

DATE: 10/1/08

SCALE: 1/4" = 1'-0"

1 SIDE ELEV. West
Scale: 1/4"=1'-0"



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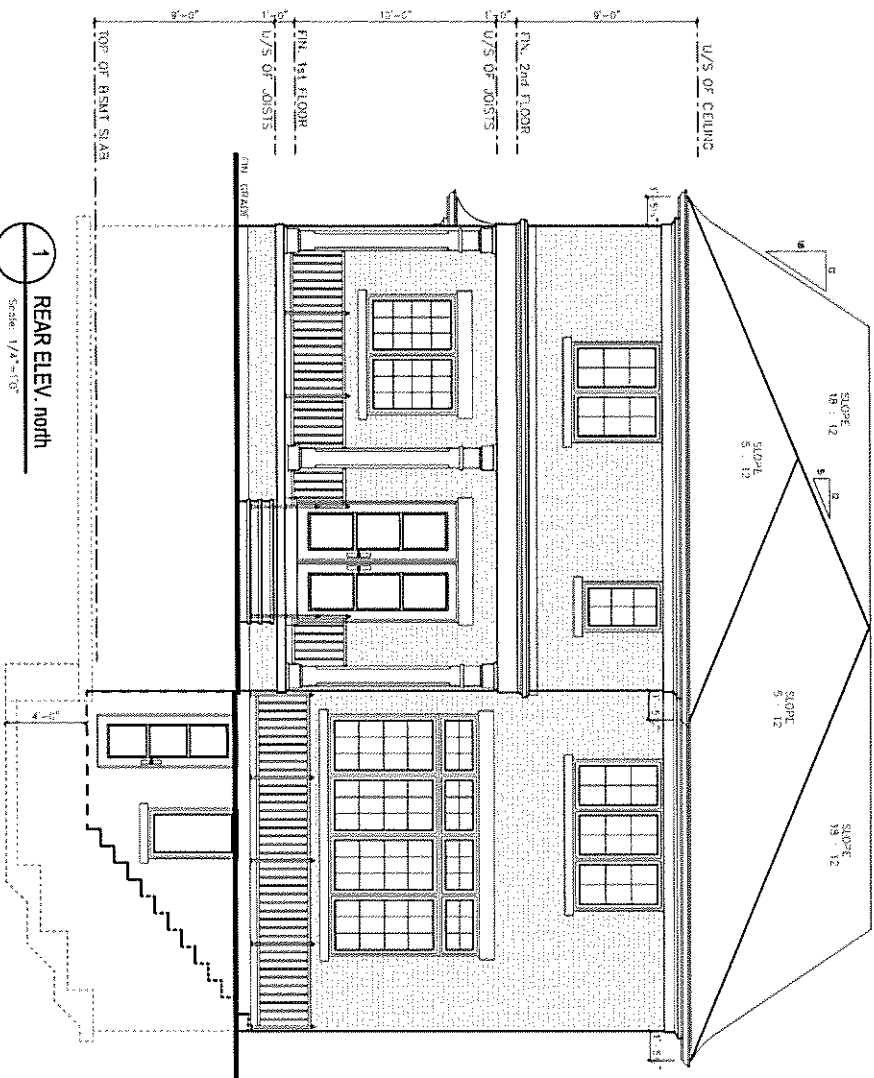
DATE: 10/15/18
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1/4"=1'-0"

PROJECT:
CUSTOM HOME
BASINIST COVE #1305
2714
SE 14th AVE SW
TALLahassee, FL 32310

ELEVATIONS:
DATE: 10/15/18
SCALE: 1/4"=1'-0"

OCT 2018 A23

FOR WALLS & ROOF
DO NOT SCALE DIMENSIONS



1 REAR ELEV. north
Scale: 1/4" = 1'-0"

PROJECT: 10000 S. WILSON AVE., SUITE 100, DENVER, CO 80231
 CLIENT: [REDACTED]
 ARCHITECT: [REDACTED]
 DATE: [REDACTED]

FOR WALLS & ROOF
 1. [REDACTED]
 2. [REDACTED]
 3. [REDACTED]
 4. [REDACTED]
 5. [REDACTED]
 6. [REDACTED]
 7. [REDACTED]
 8. [REDACTED]
 9. [REDACTED]
 10. [REDACTED]

PROJECT: 10000 S. WILSON AVE., SUITE 100, DENVER, CO 80231
 CLIENT: [REDACTED]
 ARCHITECT: [REDACTED]
 DATE: [REDACTED]

