

Memorandum to the City of Markham Committee of Adjustment

January 28, 2022

File: A/179/21
Address: 60 Fred Varley Drive, Markham
Applicant: Xiaojuan Gao
Agent: AND Architecture Inc. (Sam Wu)
Hearing Date: Wednesday February 02, 2022

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

The Applicant is requesting relief from the following requirements of the “Fourth Density Single Family Residential (R4) Zone” in By-law 11-72, as amended, to permit:

- a) **Section 6.1:**
a minimum side yard setback of 5 feet, whereas the By-law requires a minimum side yard setback of 6 feet;
- b) **Section 6.1:**
a maximum lot coverage of 35.52 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent;
- c) **Section 6.1:**
a maximum building height of 27 feet 10 inches, whereas the By-law permits a maximum building height of 25 feet;

as it relates to proposed detached dwelling.

BACKGROUND

Property Description

The 580.95 m² (6,253.29 ft²) subject property is located on the south side of Fred Varley Drive, which is situated north of Highway 7 and east of Sciberras Road (see Appendix “A” – Aerial Photo). The subject property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is an existing 145.59 m² (1,567.12 ft²) one-storey detached dwelling on the property, which according to assessment records was constructed in 1967. Vegetation exists on the property including one large tree in the front yard.

Proposal

The Applicant is proposing to demolish the existing dwelling and construct a new 386.24 m² (4,157.45 ft²) two-storey detached dwelling (See Appendix “B” – Architectural Plans).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Official Plan designates the subject property “Residential – Low Rise”, which provides for low-rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential – Low Rise” designation with respect to height, massing and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard shall also be had for retention of existing trees and vegetation.

Zoning By-Law 11-72

The subject property is zoned “Fourth Density Single Family Residential (R4)” under By-law 11-72, as amended, which permits a single detached dwelling. The proposed development does not comply with the requirements of the By-law as they relate to the interior side yard setbacks for a two-storey dwelling, lot coverage, and building height.

Varley Village Infill Area

The subject property is within an area of the City where there is a trend to build larger houses. In response to concerns with this trend, a number of residents asked that Markham consider an infill housing by-law for the Varley Village neighbourhood. The Unionville Sub-Committee, a Committee of Council, undertook a review of this issue with community consultation, and ultimately recommended that no action be taken on an infill by-law at the time. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing by-law standards continue to apply.

Notwithstanding that an infill by-law was not adopted, the Committee should be aware of Council’s and the community’s concerns with regard to variances and maintaining the current standards of the Zoning By-law. Consequently, the Committee should consider any public input before making a decision.

Zoning Preliminary Review (ZPR) Undertaken

The Owner has completed a Zoning Preliminary Review (ZPR) on November 9, 2021 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 Side Yard Setback (two-storey portion)

The Applicant is requesting a minimum side yard setback of 5 ft (1.52 m) along the east and west property lines. The By-law permits a minimum side yard setback of 4 ft (1.22 m) for a one-storey portion of a dwelling and 6 ft (1.83 m) for a two-storey portion.

The Applicant is requesting relief of 1 ft (0.31 m) on both sides of the two-storey portions of the dwelling. Given that the proposed side yard setbacks are generally consistent with other approved two-storey infill dwellings in the area, Staff are of the opinion that the proposed side yard reductions will not impact the character of the neighbourhood. Additionally, Engineering staff have not identified any concerns relating to drainage as a result of the reduced side yard setbacks.

Increase in Maximum Lot Coverage

The Applicant is requesting relief for a maximum lot coverage of 35.52 percent (206.35 m² or 2,221.17 ft²), whereas the By-law permits a maximum lot coverage of 33.33 percent (193.63 m² or 2,084.22 ft²). This represents a 6.57 percent (12.72 m² or 136.95 ft²) increase to the permitted building footprint.

The proposed coverage includes the proposed front covered porch and a second storey overhang to the rear of the dwelling which adds approximately 3.12 m² (33.58 ft²) and 5.53 m² (59.53 ft²) respectively to the overall building footprint. Excluding the covered porch and rear second storey overhang, the building would have an approximate lot coverage of 34.03% (197.70 m² or 2,128.03 ft²). Given that the proposed front covered porch and rear second storey overhang are unenclosed, Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the proposed dwelling.

Increase in Maximum Building Height

The Applicant is requesting relief to permit a maximum building height of 27' 10" ft (8.48 m), whereas the By-law permits a maximum building height of 25 ft (7.62 m). This represents an 11.32 percent (2.83 ft or 0.86 m) increase to the permitted building height.

Section 2.21 of the By-law calculates building height using the vertical distance of building or structure measured between the horizontal plane through grade level and a horizontal plane through:

- a) the highest point of a roof assembly in the case of a building with a flat roof or a deck roof,
- b) the average level of a one slope roof, provided that such roof having a slope of less than twenty degrees with the horizontal shall be considered a flat roof, and
- c) the average level between eaves and ridges in the case of a roof type not mentioned in subsections (a) and (b) preceding.

The proposed height is attributed to a proposed split-level on the northern portion of the dwelling, resulting in an appearance of a three-storey dwelling (See Plan A11 – Building

Section, in Appendix “B”). While building heights within the Varley Village neighbourhood vary, with older dwellings being replaced with newer dwellings that are generally taller, Staff note that the proposed height variance is generally taller than other dwellings in the immediate vicinity.

Staff recommend that the Committee consider public input and satisfy themselves whether the variance meets the four tests of the *Planning Act*.

PUBLIC INPUT SUMMARY

As of January 28, 2022, the City received one letter of support. 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.

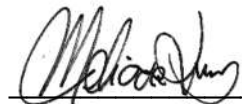
CONCLUSION

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 variances related to building setback and coverage meets the four tests of the *Planning Act*. Regarding the variance for height increase, Staff recommend that the Committee consider any public input in reaching a decision and should satisfy themselves as to whether the variance meets the four tests of the *Planning Act*.

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.

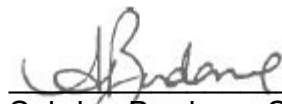
Please see Appendix “C” for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Planner, Central District

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District

APPENDICES

Appendix “A” – Aerial Photo

Appendix “B” – Architectural Plans

Appendix “C” – Conditions



Legend

- Parcel
- Park Facility
- Parks
 - Under Development
 - <all other values>

1: 1,128

57.3 0 28.65 57.3 Meters

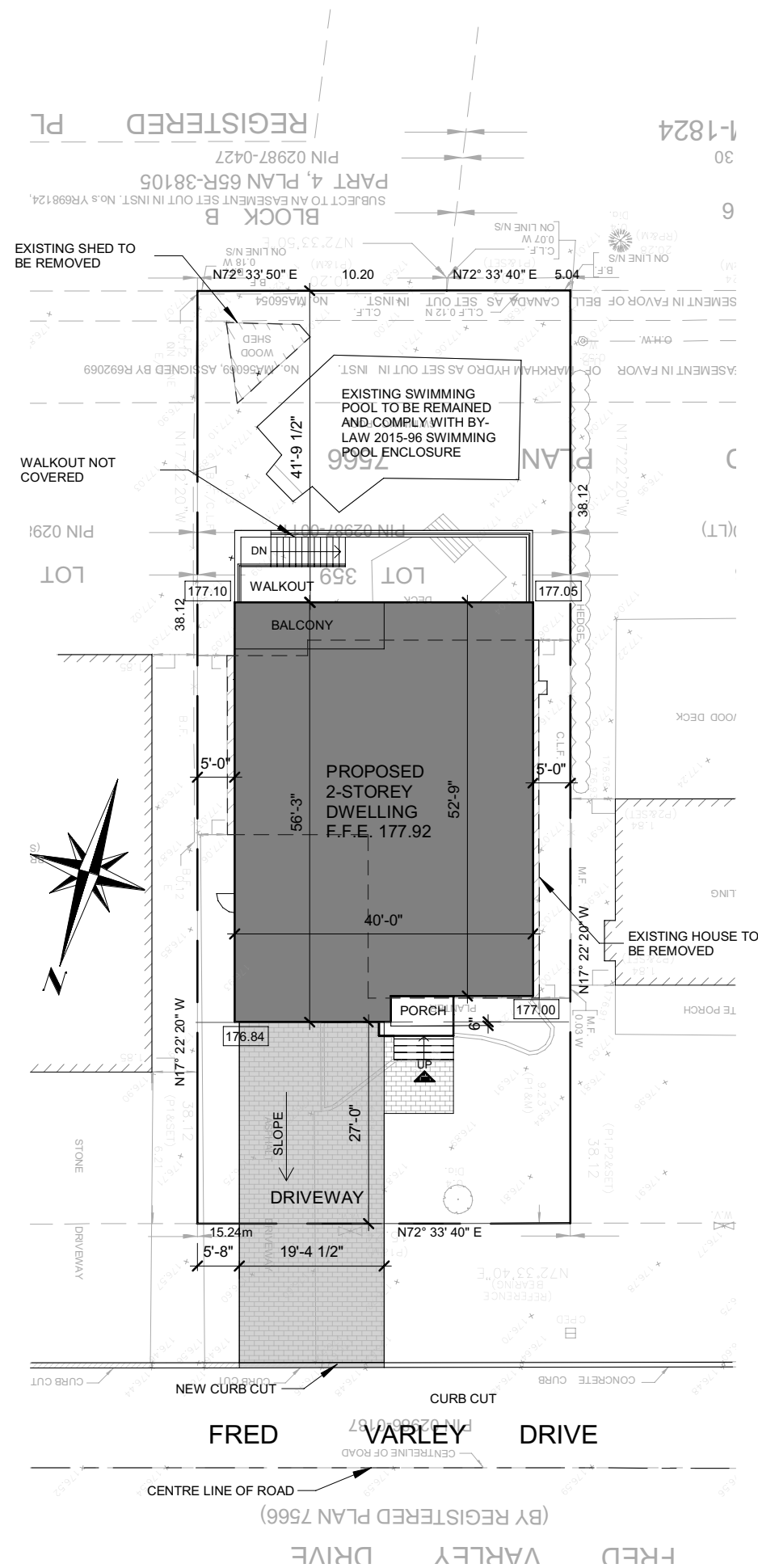
Notes

Aerial Photo of 60 Fred Varley Drive

Appendix B

File: 21.144590.000.00.MNV

Date: 01/28/22
MM/DD/YY



SITE STATISTICS

ZONING CATEGORY: R4
LOT AREA: 580.95 M²

DESCRIPTION	PERMITTED/REQUIRED	PROPOSED
LOT COVERAGE	33.33% MAX.	35.52% *
BUILDING HEIGHT	25'-0" MAX.	27'-10"
FRONT YARD SETBACK	27'-0" MIN.	27'-0"
REAR YARD SETBACKS	25'-0" MIN.	41'-9 1/2"
SIDE YARD SETBACKS	6'-0" MIN.	5'-0"

* LOT COVERAGE ALREADY INCLUDING THE COVERED PORCH AND THE CANTILEVER OF THE 2ND FLOOR AT REAR

GROSS FLOOR AREA (GFA)*

FLOOR	GFA
GROUND FLOOR	158.50 m ² (1,706 SF)
UPPER FLOOR	53.43 m ² (575 SF)
SECOND FLOOR	174.31 m ² (1,876 SF)
TOTAL	386.24 m²* (4,157 SF)
BASEMENT	157.60 m ² (1,696 SF)
GARAGE	40.71 m ² (438 SF)
COVERED PORCH	3.21 m ² (35 SF)

* GROSS AREA DOES NOT INCLUDE GARAGE AND BASEMENT

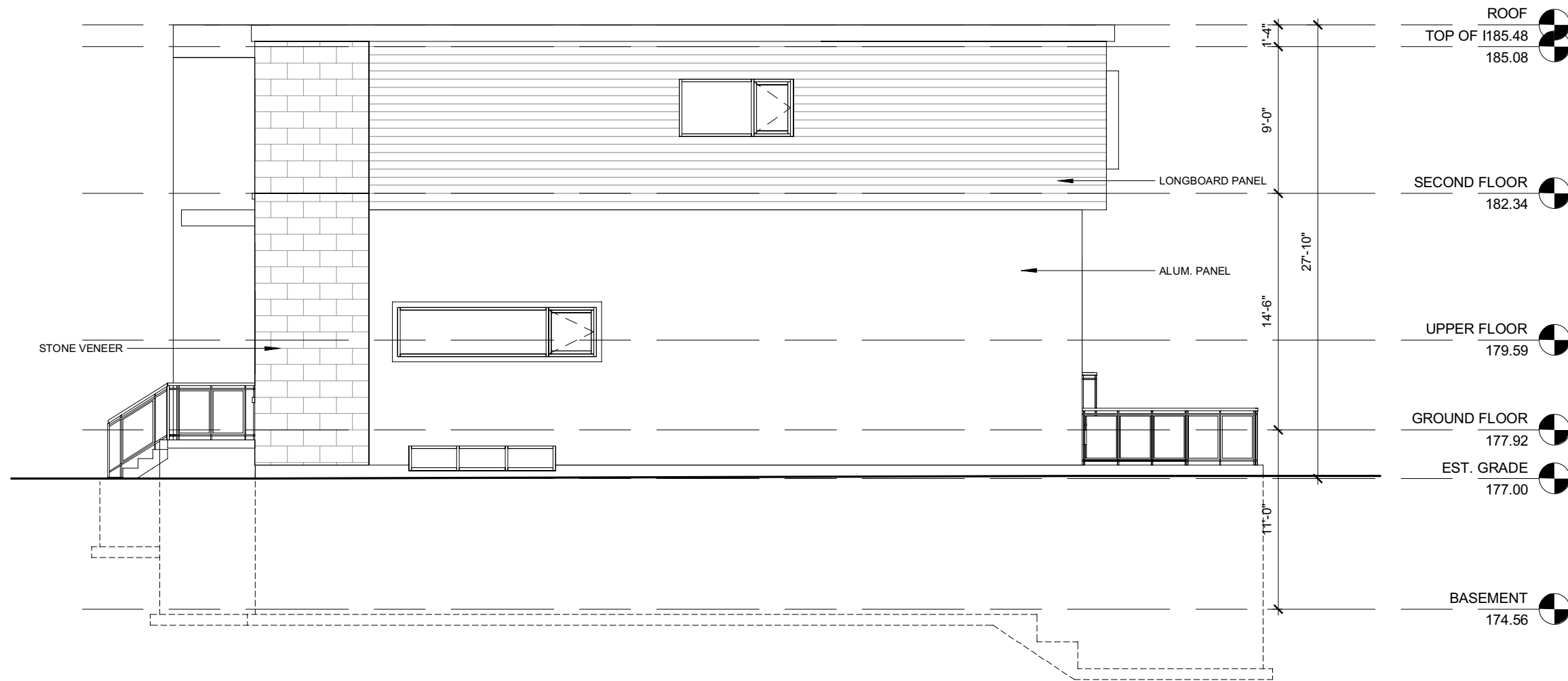
1 SITE PLAN
1 : 250

AND ARCHITECTURE INC. 3950 14th Avenue, Suite 609 Markham, ON L3R 0A9 905-604-6960 info@andarchitectureinc.com www.andarchitecture.ca			
3	2021.08.03	ISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE 60 FRED VARLEY DRIVE MARKHAM ONTARIO		Date : Issue Date Scale : As indicated	Project No 21037
Drawing Name : SITE PLAN		Drawn by : JW Checked by : HW	Drawing No A1

Appendix B

File: 21.144590.000.00.MNV

Date: 01/28/22
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1 WEST ELEVATION
1/8" = 1'-0"

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Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
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Appendix B

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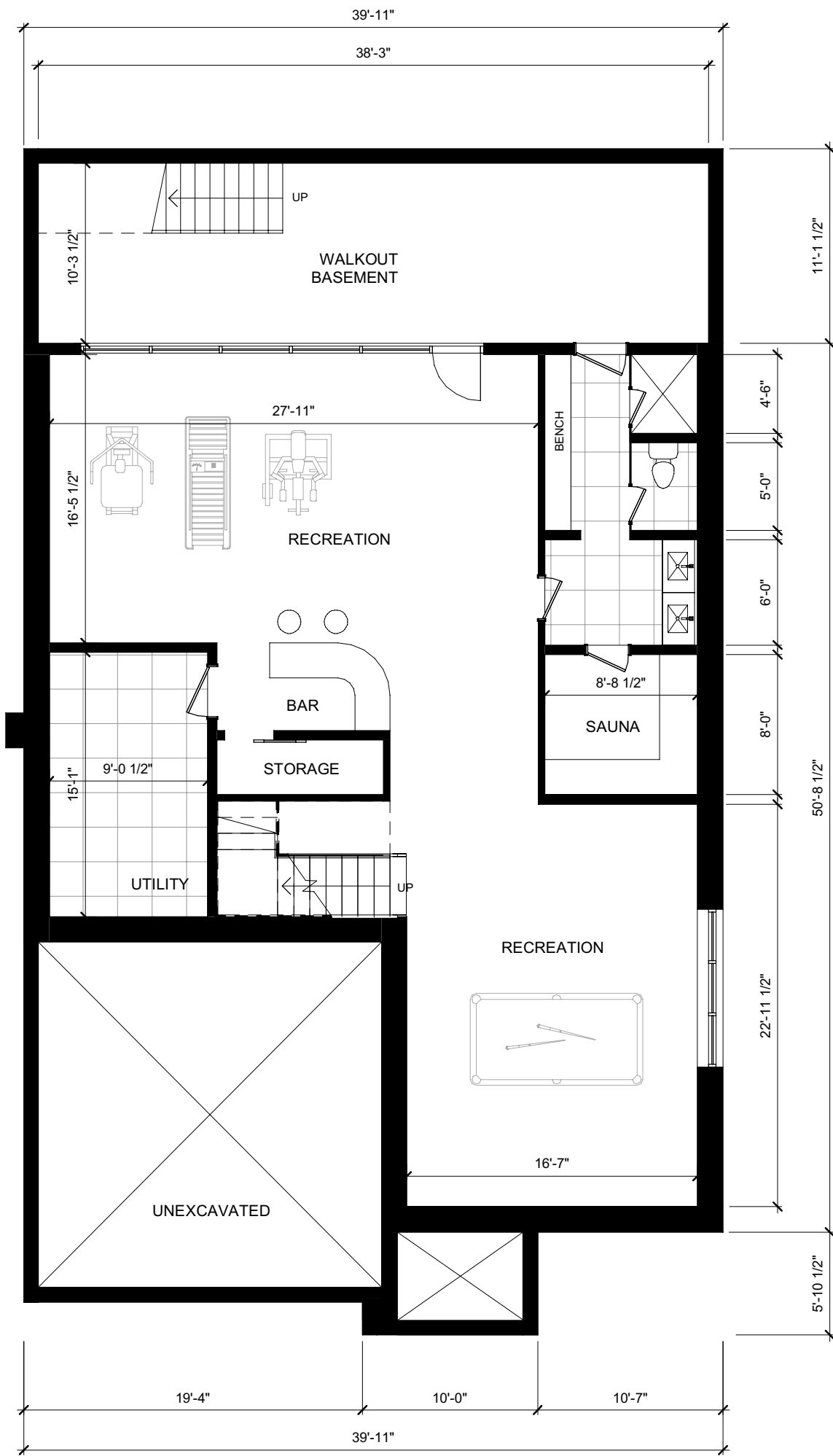
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1 BUILDING SECTION
1/8" = 1'-0"

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1 BASEMENT PLAN
1/8" = 1'-0"

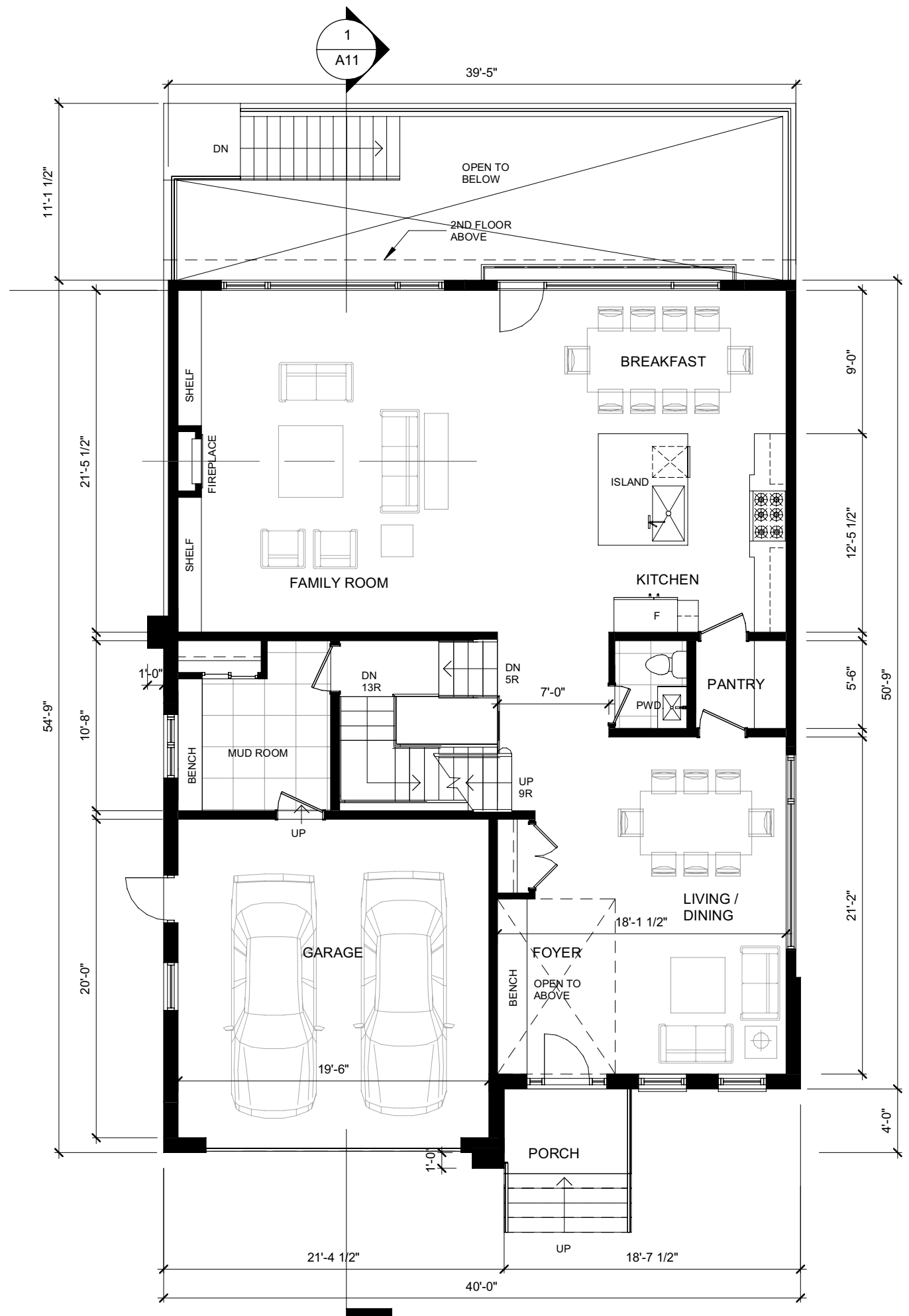
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Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
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Drawing Name : BASEMENT PLAN		Drawn by : JW	Drawing No
		Checked by : HW	A2



1 GROUND FLOOR
1/8" = 1'-0"

Appendix B

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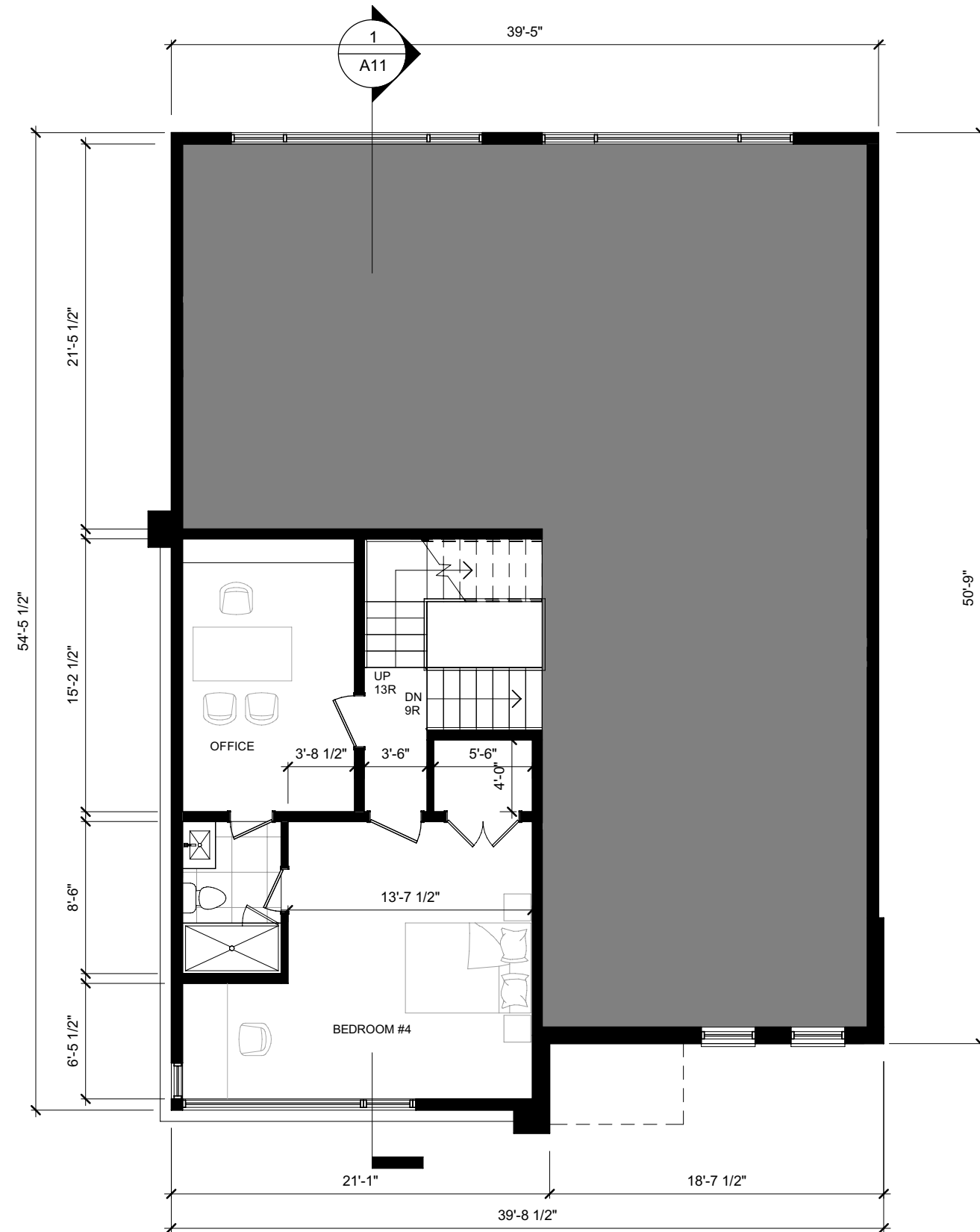
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GROUND FLOOR PLAN		JW	A3
		Checked by :	
		HW	

Appendix B

File: 21.144590.000.00.MNV

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MM/DD/YY



1 UPPER FLOOR
1/8" = 1'-0"

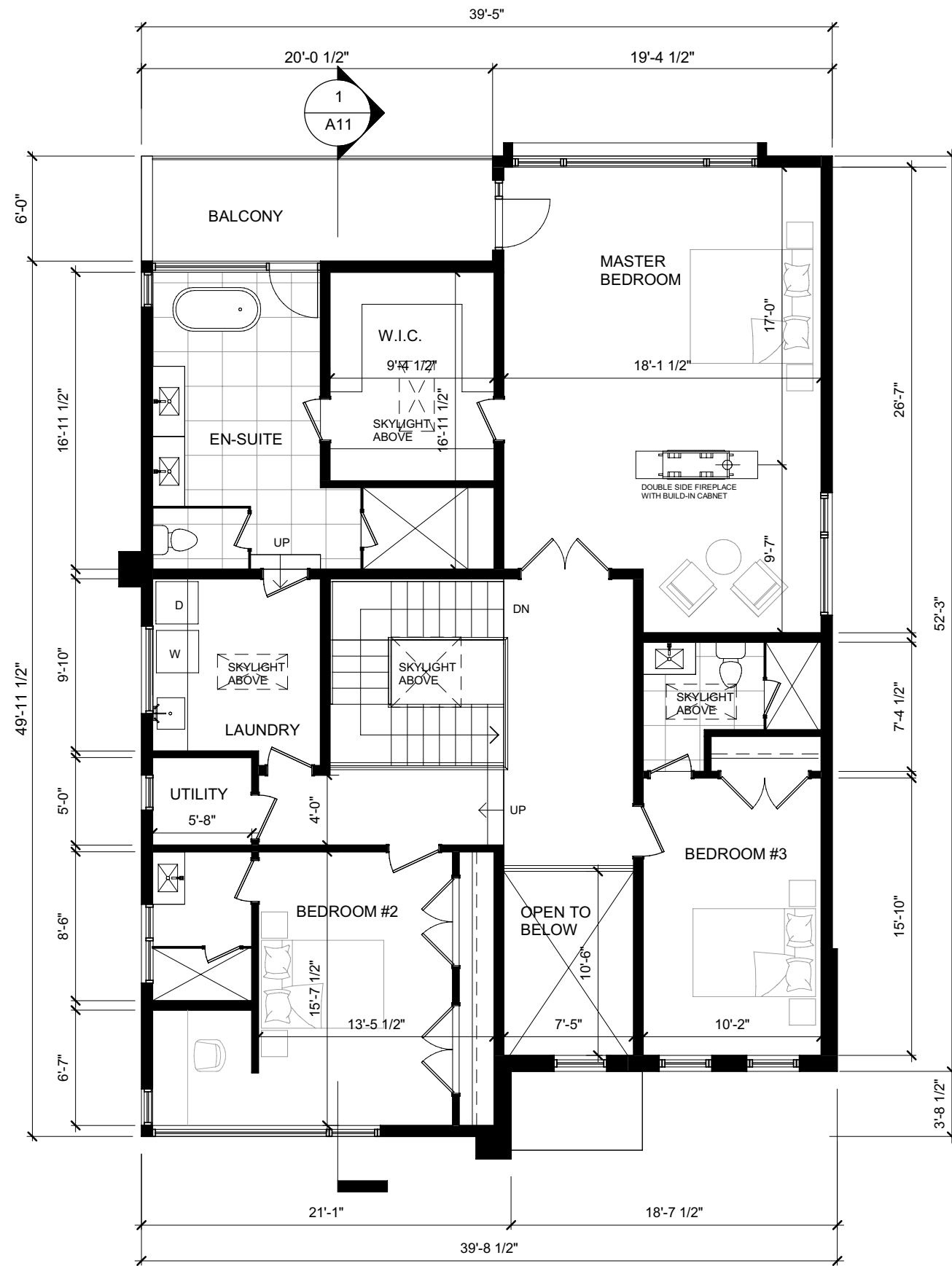
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Project : PRIVATE RESIDENCE		Date :	Project No
60 FRED VARLEY DRIVE MARKHAM ONTARIO		Issue Date	21037
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		1/8" = 1'-0"	
Drawing Name :		Drawn by :	Drawing No
UPPER FLOOR PLAN		Author	A4
		Checked by :	
		Checker	

Appendix B

File: 21.144590.000.00.MNV

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1 SECOND FLOOR
1/8" = 1'-0"

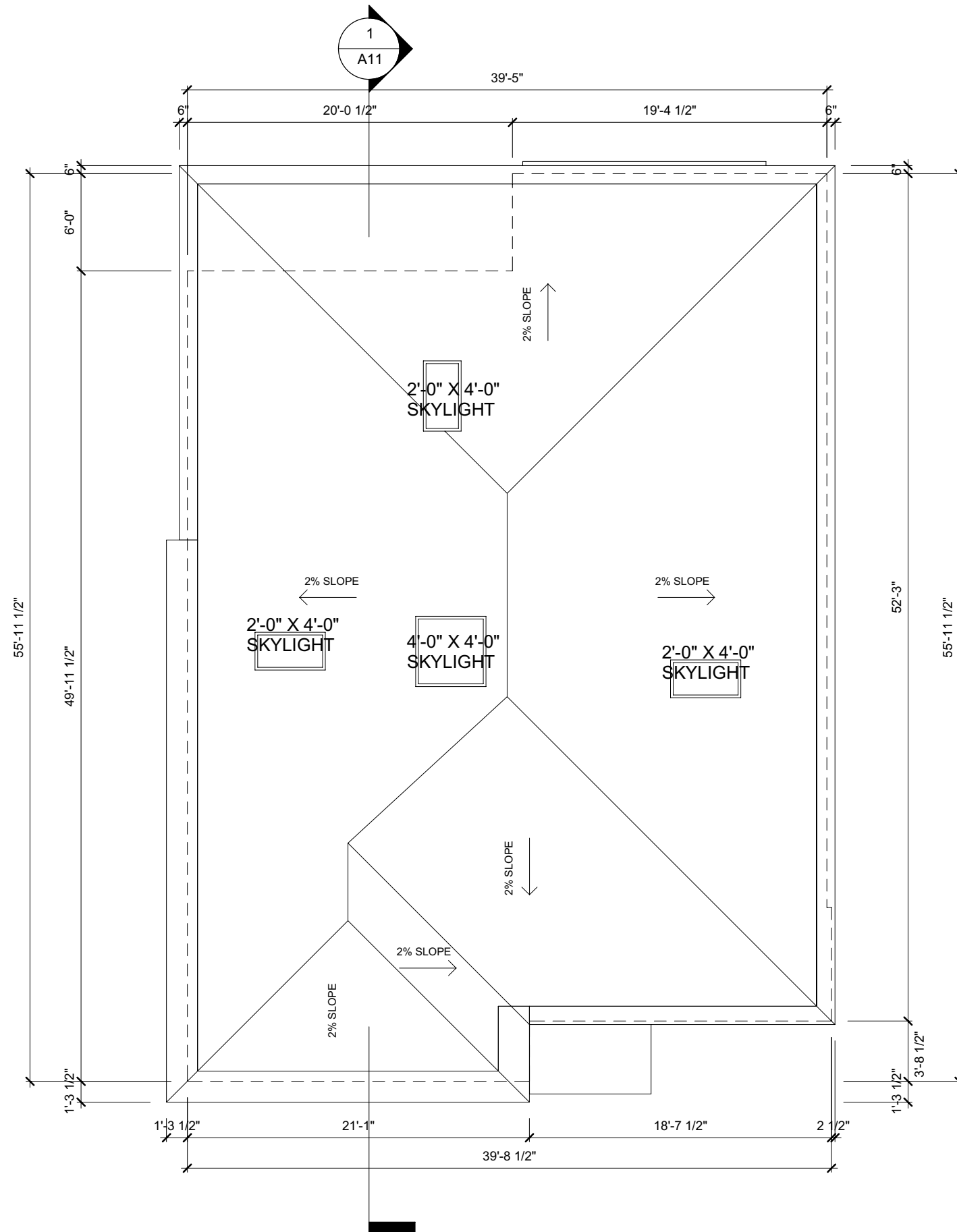
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Project : PRIVATE RESIDENCE		Date : Issue Date	Project No 21037
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Appendix B

File: 21.144590.000.00.MNV

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MM/DD/YY



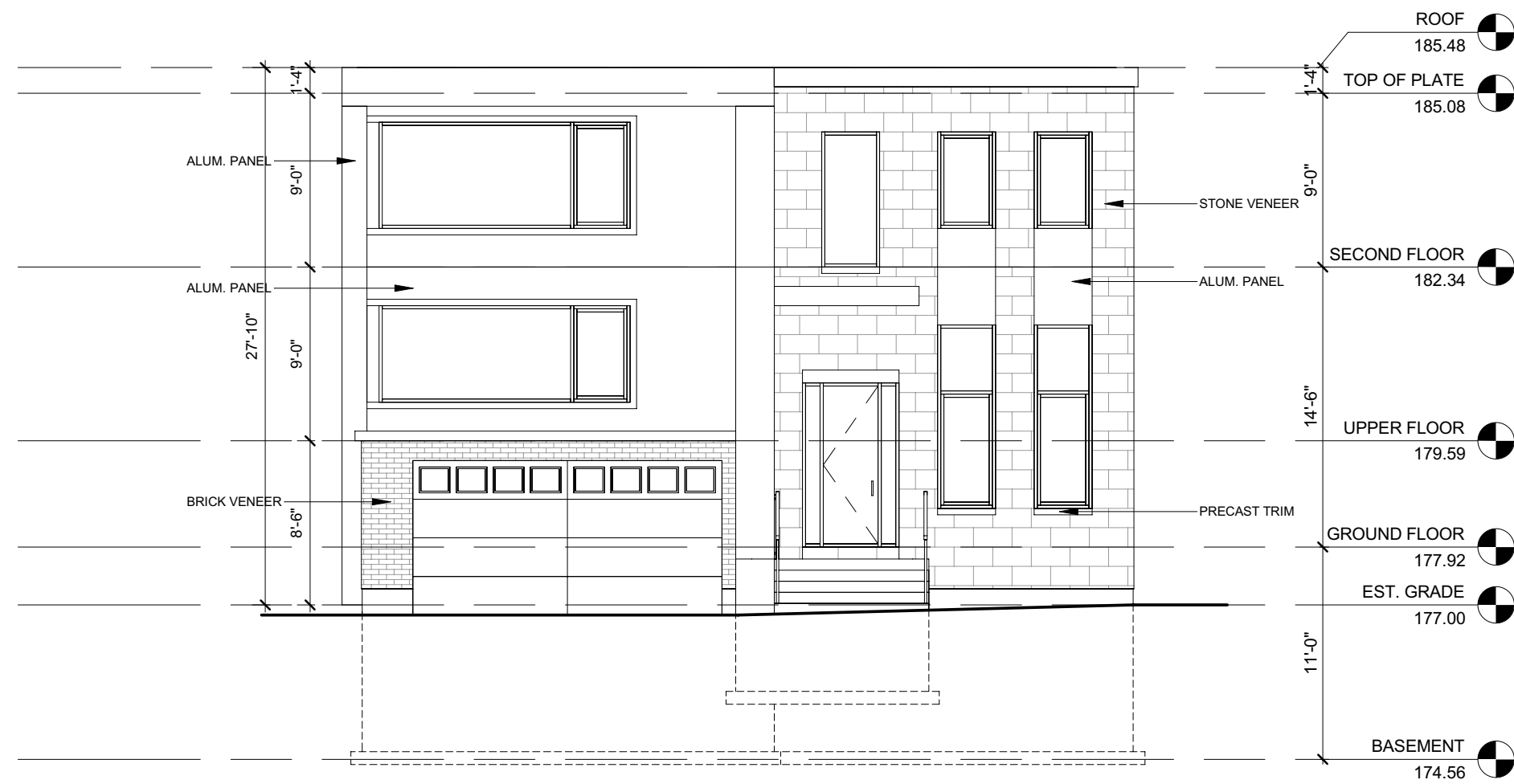
1 ROOF PLAN
1/8" = 1'-0"

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No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE 60 FRED VARLEY DRIVE MARKHAM ONTARIO		Date : Issue Date Scale : 1/8" = 1'-0"	Project No 21037
Drawing Name : ROOF PLAN		Drawn by : Author Checked by : Checker	Drawing No A6

Appendix B

File: 21.144590.000.00.MNV

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MM/DD/YY



1 NORTH ELEVATION
1/8" = 1'-0"

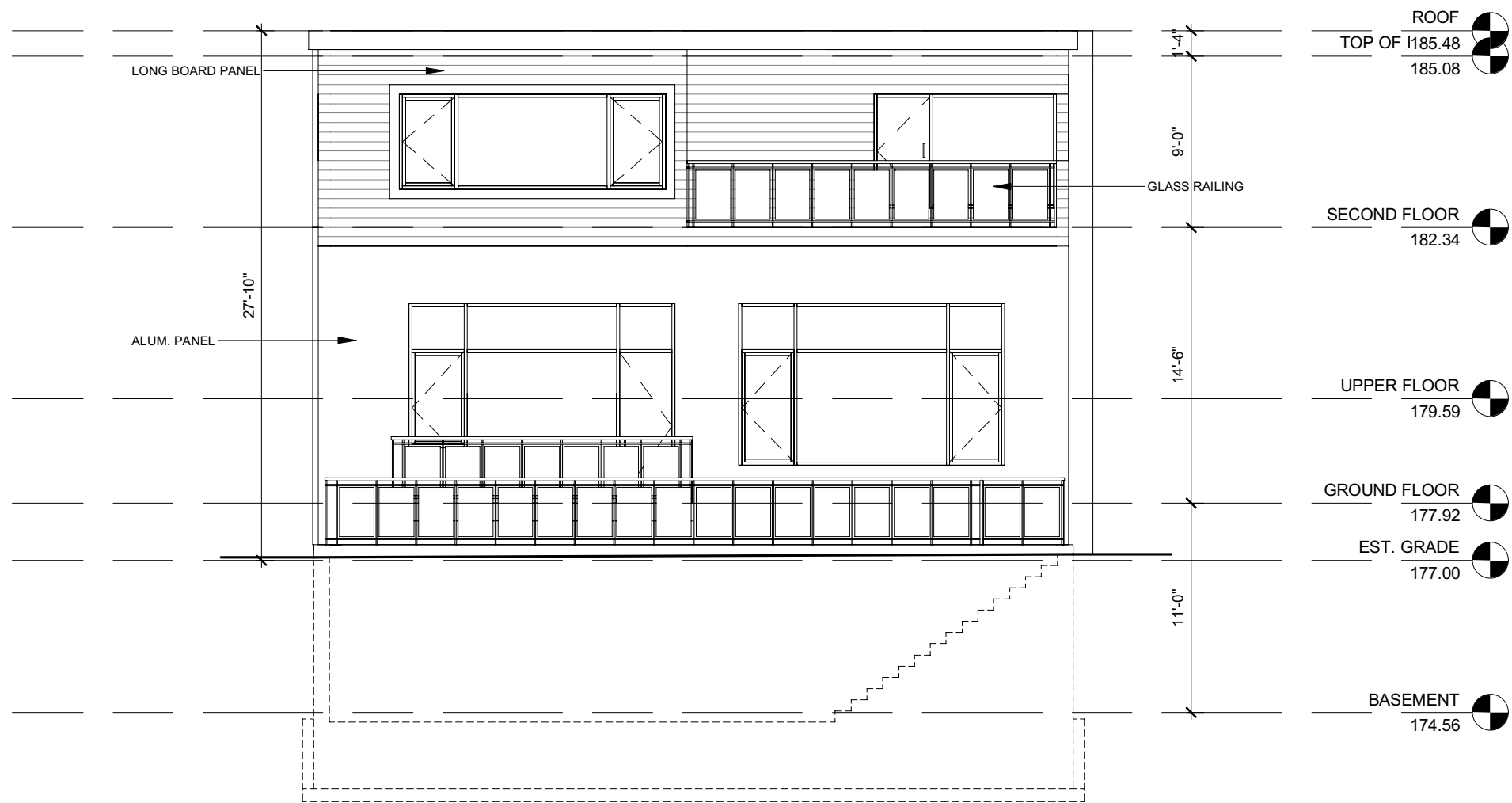
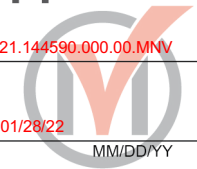
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No.	Date:	Issued/Revision:	By
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Drawing Name :		Drawn by : Author	Drawing No
NORTH ELEVATION		Checked by : Checker	A7

Appendix B

File: 21.144590.000.00.MNV

Date: 01/28/22
MM/DD/YY



1 SOUTH ELEVATION
1/8" = 1'-0"

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No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
60 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	21037
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Appendix B

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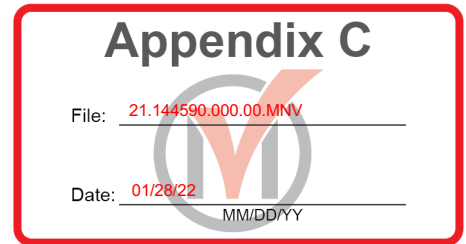
Date: 01/28/22
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1 EAST ELEVATION
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60 FRED VARLEY DRIVE MARKHAM ONTARIO		Issue Date	21037
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Drawing Name : EAST ELEVATION		Drawn by : Author	Drawing No
		Checked by : Checker	A9



**APPENDIX “C”
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/179/21**

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 stamped by the City of Markham on January 28, 2022, 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:



Melissa Leung, Planner, Central District