

Memorandum to the City of Markham Committee of Adjustment

February 09, 2021

File: A/001/21
Address: 23 Daffodil Avenue Thornhill
Applicant: TAES Architects Inc. (Shenshu Zhang)
Hearing Date: Wednesday, February 17, 2021

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

The applicant is requesting relief from the following requirements of the Single Family Detached Dwelling Special Residential Second Density (SR2) zone in By-law 1767, as amended. The variances requested are to permit:

- a) **Infill By-law 100-90, Section 1.2 (i) - Building Height:**
a maximum building height of 10.66 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- b) **Section 14 (i)(c) - Minimum Front Yard Setback:**
a front yard setback of 33 feet 4 inches, whereas the By-law requires a minimum front yard setback of 35 feet;
- c) **Infill By-law 100-90, Section 1.2 (iii) - Building Depth:**
a maximum building depth of 19.91 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

as it relates to a proposed 2-storey detached dwelling.

BACKGROUND

Property Description

The 1,681.85 m² (18,103.28 ft²) subject property is located on the south side of Daffodil Avenue, east of Bayview Avenue and north of Steeles Avenue East. There is an existing two storey detached dwelling on the subject property, which according to assessment records was constructed in 1962. The 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. Mature vegetation exists across the property.

Proposal

The applicant is proposing to demolish the existing two storey detached dwelling and construct a new 397.92 m² (4,283.18 ft²) two storey detached dwelling on the subject 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, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 1767

The subject property is zoned Single Family Detached Dwelling Special Residential Second Density (SR2) under By-law 1767, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law requirements with respect to minimum front yard setback.

Residential Infill Zoning By-law 100-90

The subject property is also subject to the Residential Infill Zoning By-law 100-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to maximum building height and maximum building depth.

Zoning Preliminary Review (ZPR) Undertaken

The owner completed a Zoning Preliminary Review (ZPR) on December 30, 2020 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 10.66 m (34.97 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.86 m (2.82 ft).

Staff are of the opinion the proposed building height is appropriate for the lot, and do not object to the requested variance.

Reduction in Front and Rear Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 33.33 ft (10.16 m), whereas the By-law requires a minimum front yard setback of 35 ft (10.67 m). This represents a reduction of approximately 1.67 ft (0.51 m). The variance is entirely attributable to the front covered porch and is consistent with the established front yard setback pattern on the street.

Staff have no concerns with the proposed front yard setback variance.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 19.91 m (65.32 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 3.11 m (10.2 ft).

The variance includes a front covered porch which adds approximately 1.49 m (4.88 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 18.42 m (60.43 ft).

Given the size of the lot and that the proposed dwelling provides more than the required minimum side yard and rear yard setbacks, it is Staff's opinion that the proposed building depth variance will not impact the public realm; is minor in nature; and, is comparable to other developments in the surrounding area.

Tree Preservation

The applicant has submitted a Tree Protection Plan (TPP) proposing the removal of six trees and the protection of twenty. It should be noted all trees located on the west property line, adjacent to the neighbouring dwelling, as well as the majority of trees on the south property line adjacent to an existing park and public school are proposed to remain.

Staff recommend that any approval of the application include the tree protection and compensation conditions attached in Appendix A.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 09, 2021. 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.

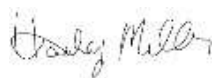
CONCLUSION

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 requests meet the four tests of the Planning Act and have no objections. 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, Planner I, West District

REVIEWED BY:



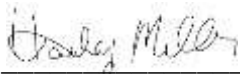
Stephen Kitagawa, Acting Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/001/21

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 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.

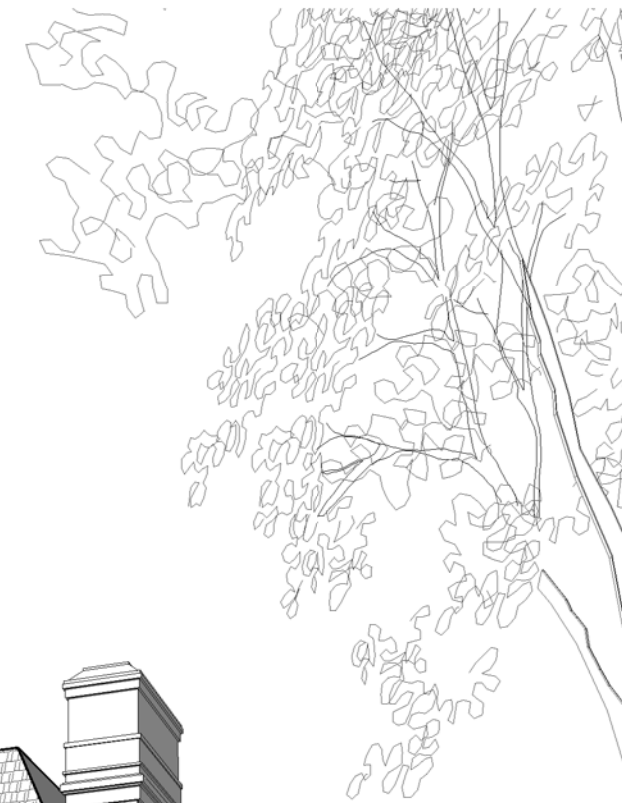
CONDITIONS PREPARED BY:



Hailey Miller, Planner I, West District

RESIDENCE

23 Daffodil Ave.
Markham, ON



Appendix B

File: 21.102406.000.00.MNV

Date: 02/11/21
MM/DD/YY

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2	Zoning Review	2020-12-10	JC

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23 Daffodil Avenue

Markham, ON





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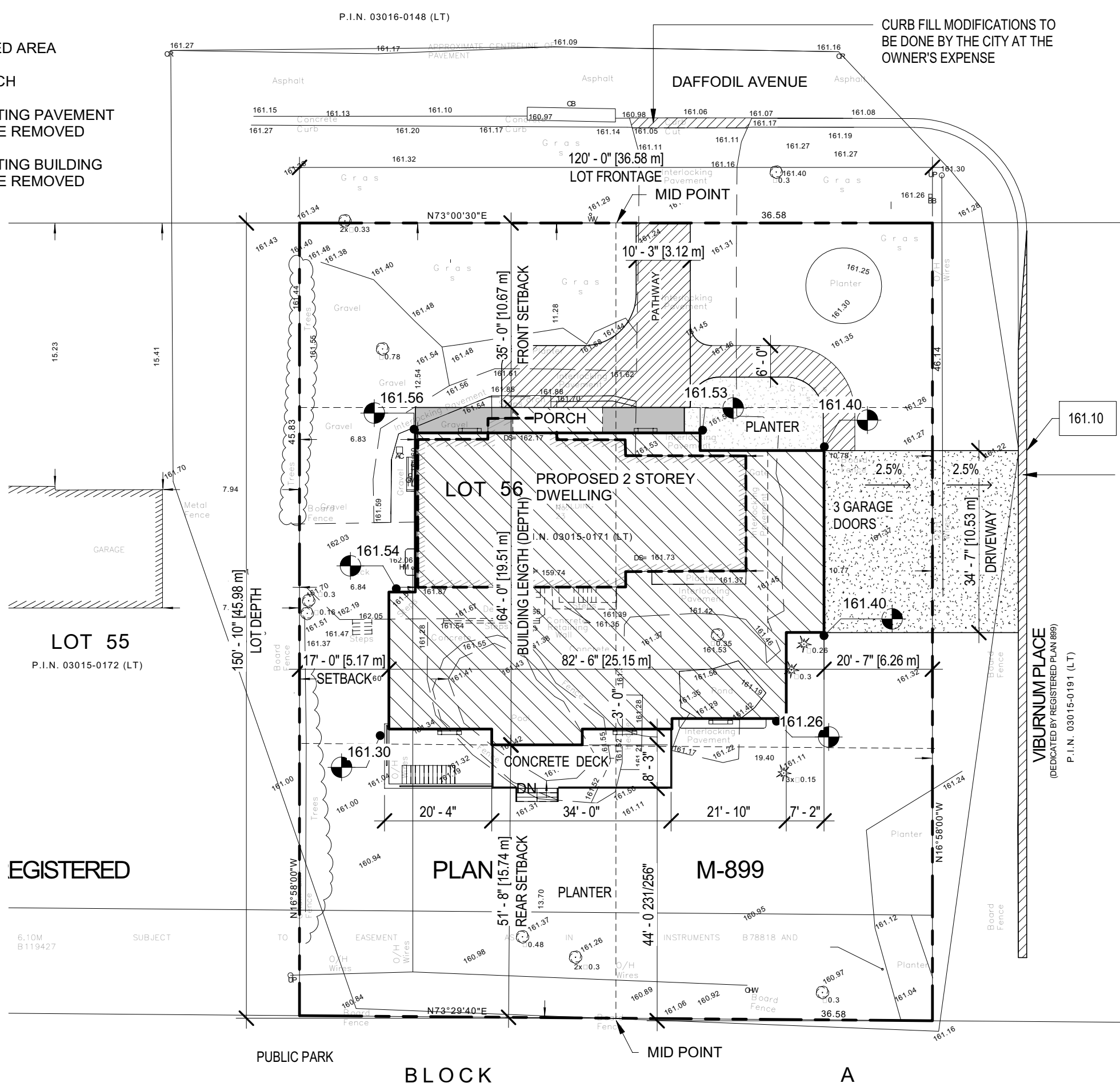
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Cover

Drawing No. A000

-  PAVED AREA
-  PORCH
-  EXISTING PAVEMENT TO BE REMOVED
-  EXISTING BUILDING TO BE REMOVED



CURB FILL MODIFICATIONS TO BE DONE BY THE CITY AT THE OWNER'S EXPENSE

CURB MODIFICATIONS TO BE DONE BY THE CITY AT THE OWNER'S EXPENSE. FINAL LOCATION AND LENGTH OF DEPRESSED/ FULL HEIGHT CURB TO BE AT THE DISCRETION OF THE CITY.

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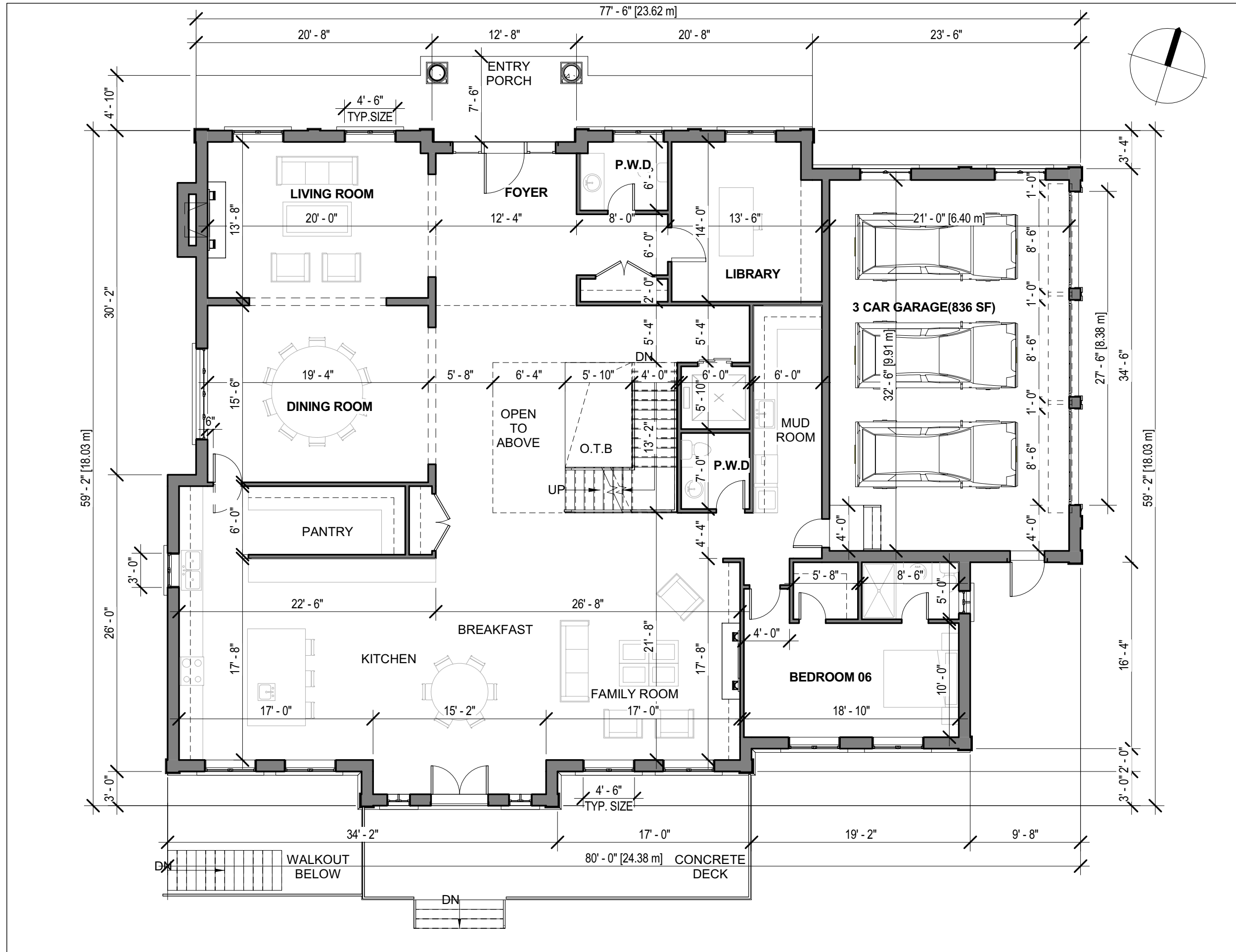
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Site Plan

Drawing No. A001



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Project number	T2020041
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Ground Floor Plan

Drawing No. **A102**

SITE STATISTICS_ MARKHAM 1767

ZONING	SR2 (BY-LAW 1767)	LOT NO.	56
PLAN NO.	M-899	LOT AREA	18,103.88 SF (1,681.85 SM)
LOT FRONTAGE	120'- 0" (36.58 M)	LOT DEPTH	150- 10" (45.98 M)

DESCRIPTION	EXISTING	PROPOSED	REQUIRED	SECTION
MIN.LOT FRONTAGE	120'- 0" (36.58 M)	120'- 0" (36.58 M)		
MIN. LOT AREA	18,103.88 SF (1,681.85 SM)	18,103.88 SF (1,681.85 SM)	18,000SFT (1,672.2 SM)	
MAX.BUILDING HEIGHT		10.66 M*	9.8 M	
MAX.BUILDING DEPTH		19.51 M		
NO. OF STORIES		2	2	
DRIVEWAY WIDTH		10.53 M		
BUILDING AREA		4,283 SF (397.92M)		
GROSS FLOOR AREA (INCL. GARAGE AREA)		8081 SF (750.74 SM)		
GARAGE AREA		781 SF (72.52 SM)		
MAX LOT COVERAGE		4,283 SF (397.92M)	23.60%	33 1/3% 47% OF NET LOT AREA(1,677SM)
FLOOR AREA RATIO(INCL.GARAGE)		8081 SF (750.74 SM)	44.64%	1677 X 47% =788.19 SM
SETBACK				
	EXISTING	PROPOSED	REQUIRED	
FRONT (NORTH)		35'-0" (10.67 M)	35'-0"	
SIDE (EAST)		20'-7" (6.26 M)	12'-0"	
SIDE (WEST)		19'-6" (5.93 M)	8'-0"	
REAR (SOUTH)		51'-8" (15.74 M)	50'-0"	

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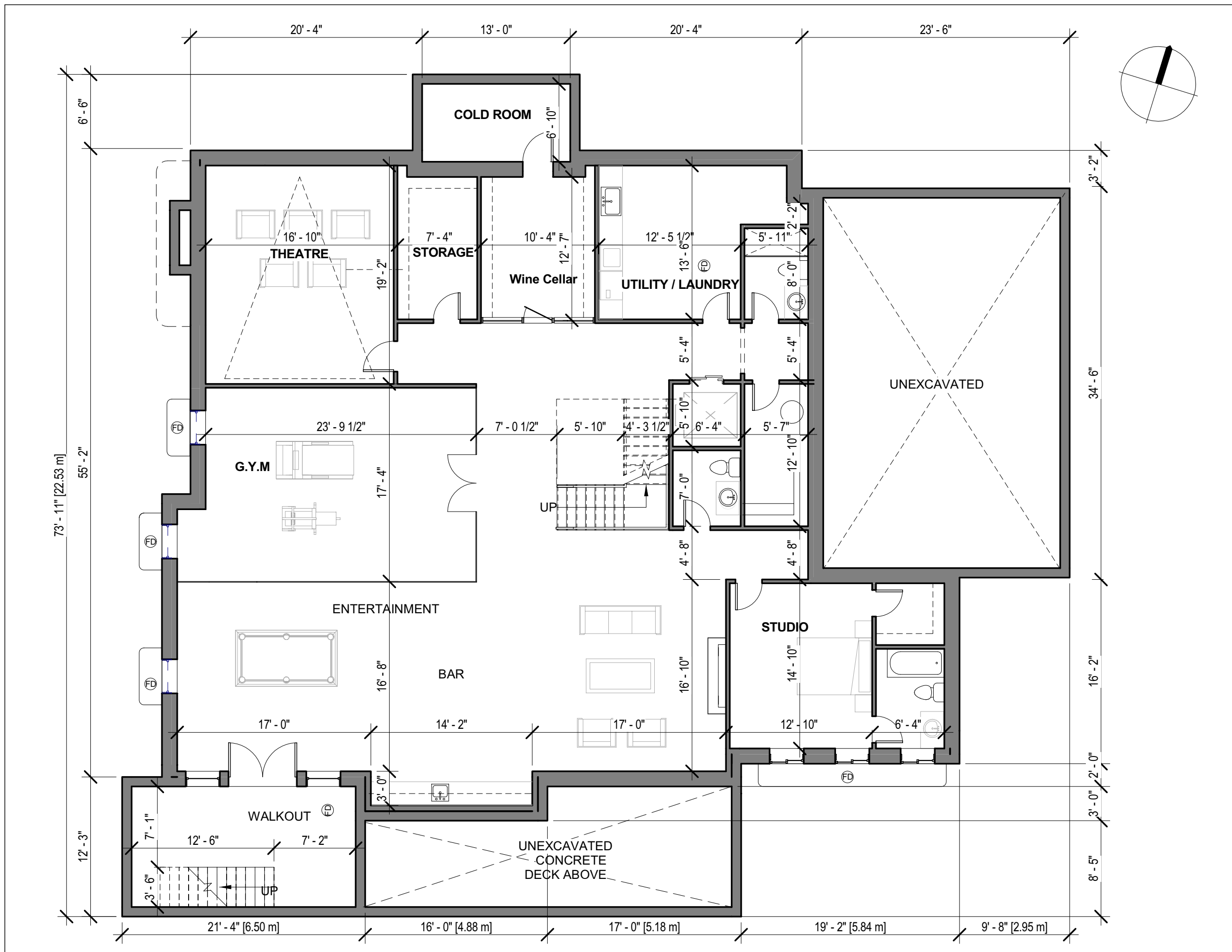
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Checked Date

Statistics

Drawing No. **A002**



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23 Daffodil Avenue

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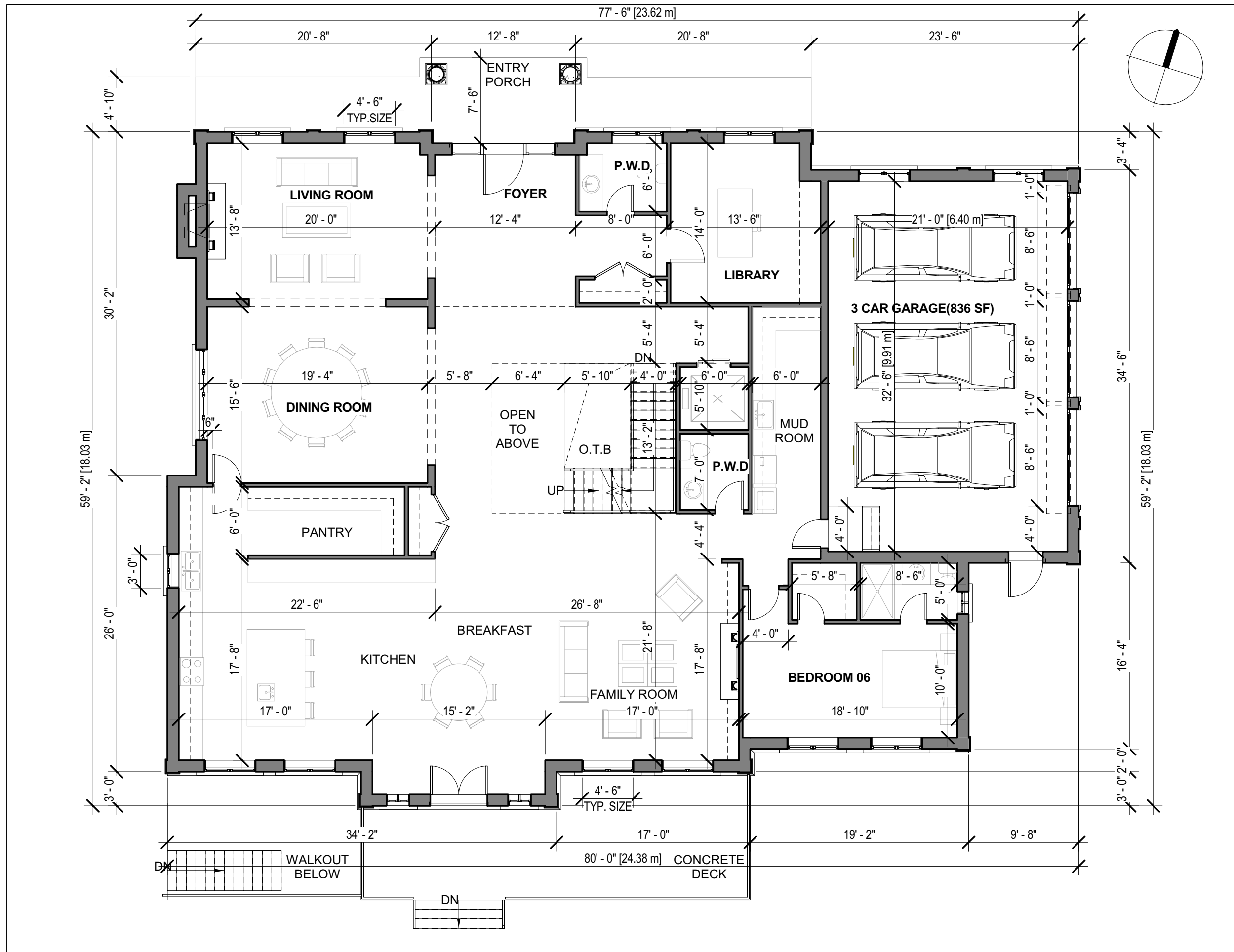
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Basement Floor

Drawing No. **A101**



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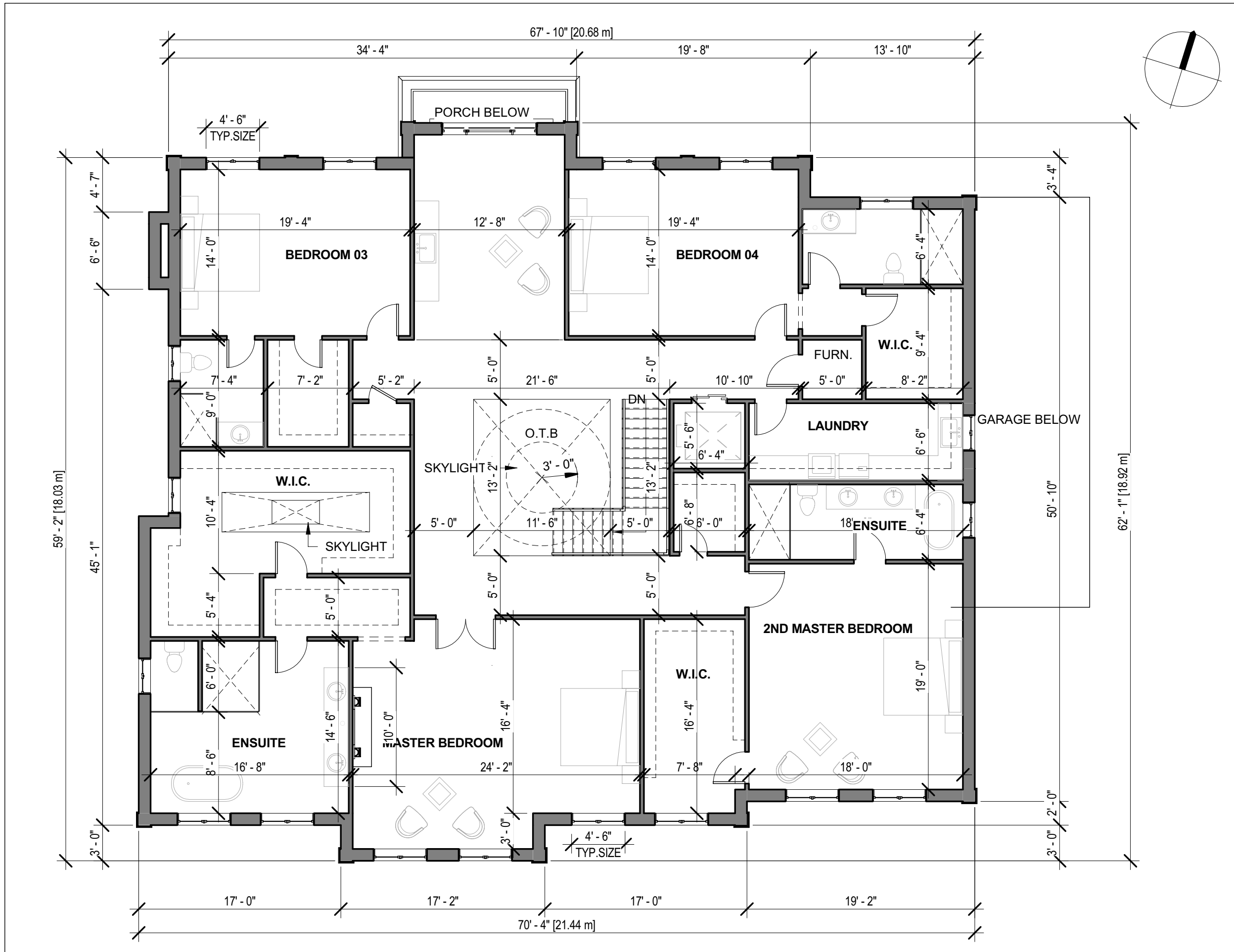
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Ground Floor Plan

Drawing No. **A102**



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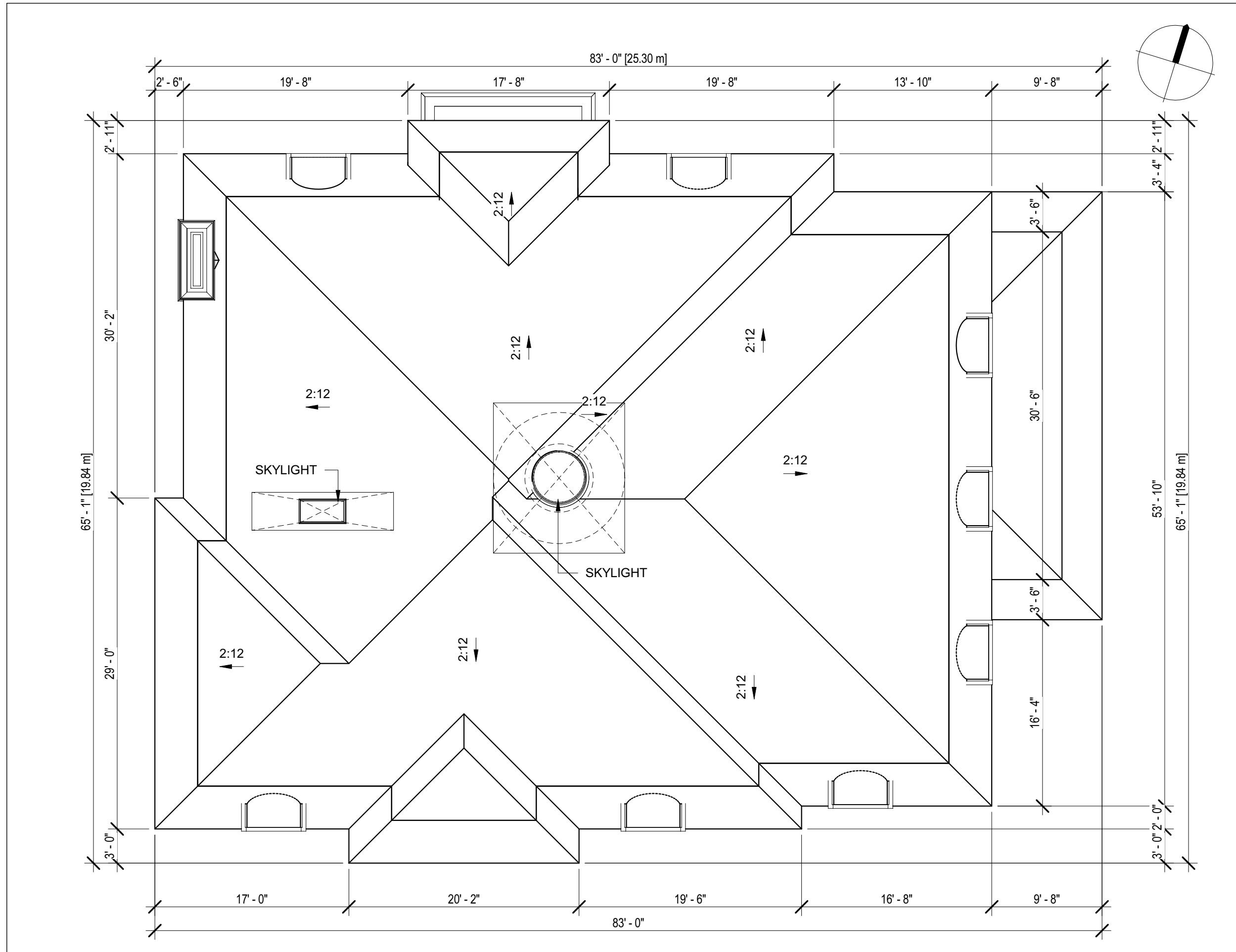
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Second Floor Plan

Drawing No. **A103**



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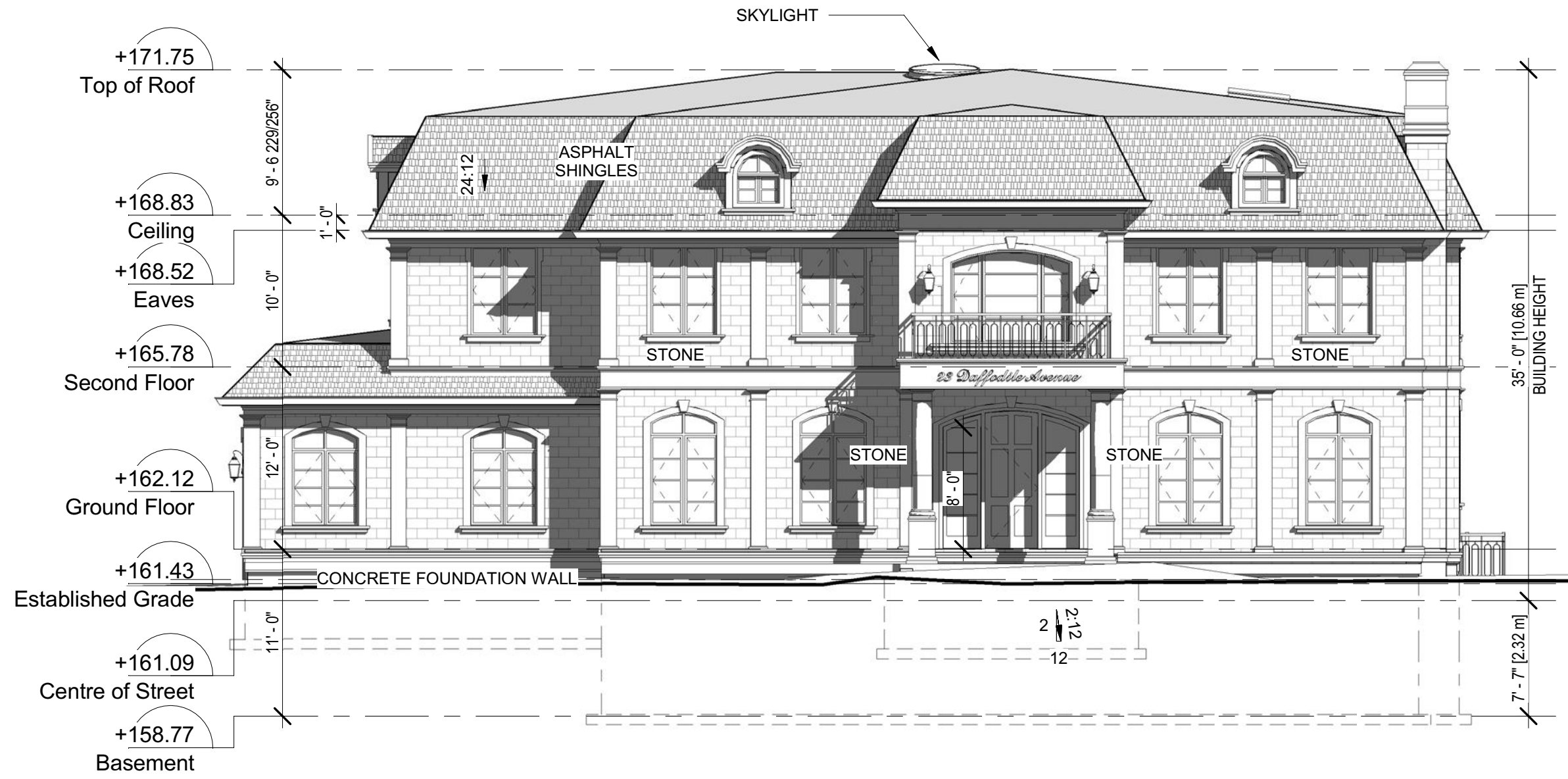
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Roof Plan

Drawing No. **A104**



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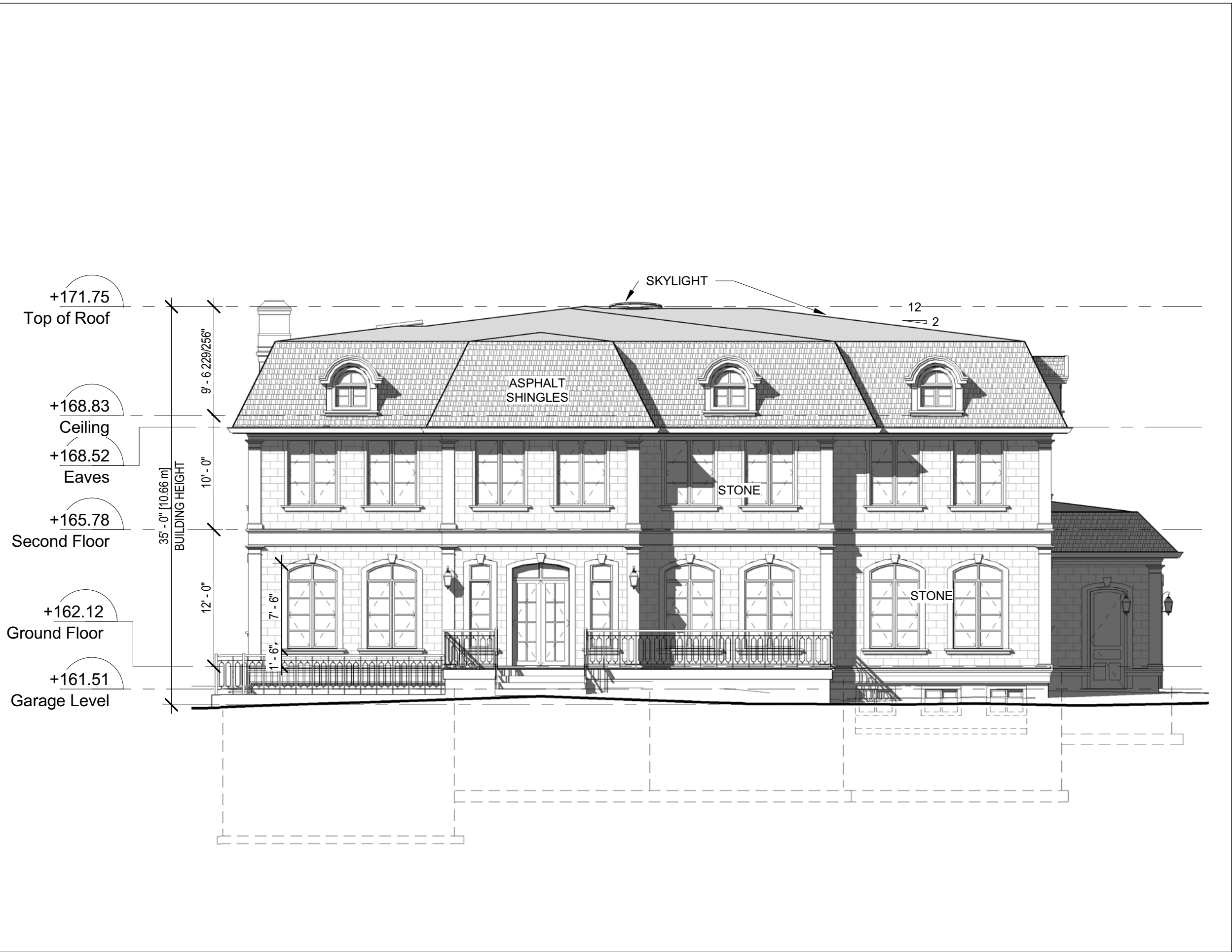
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North (Front) Elevation

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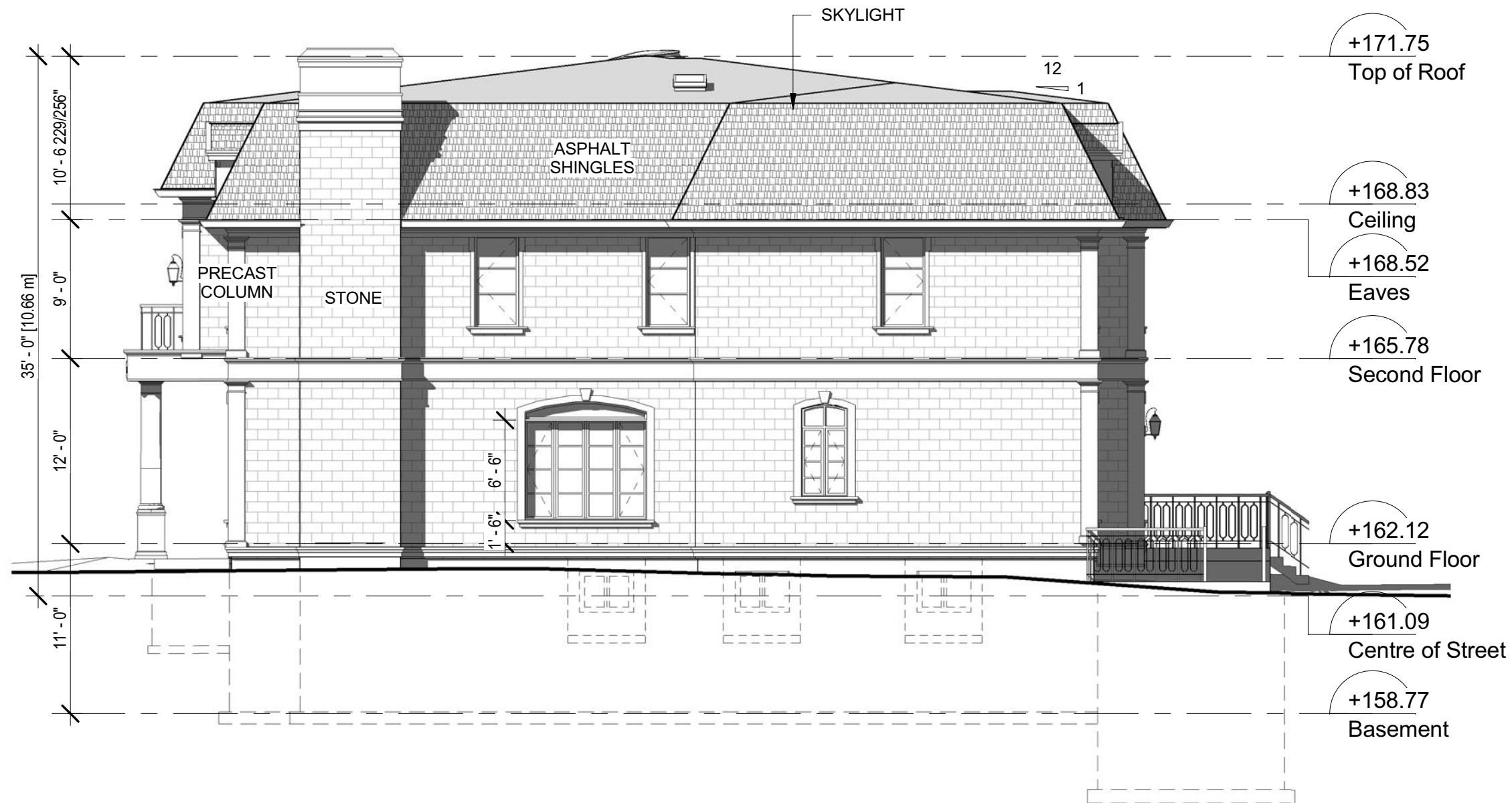
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Project number	T2020041
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South (Rear) Elevation

Drawing No. **A202**



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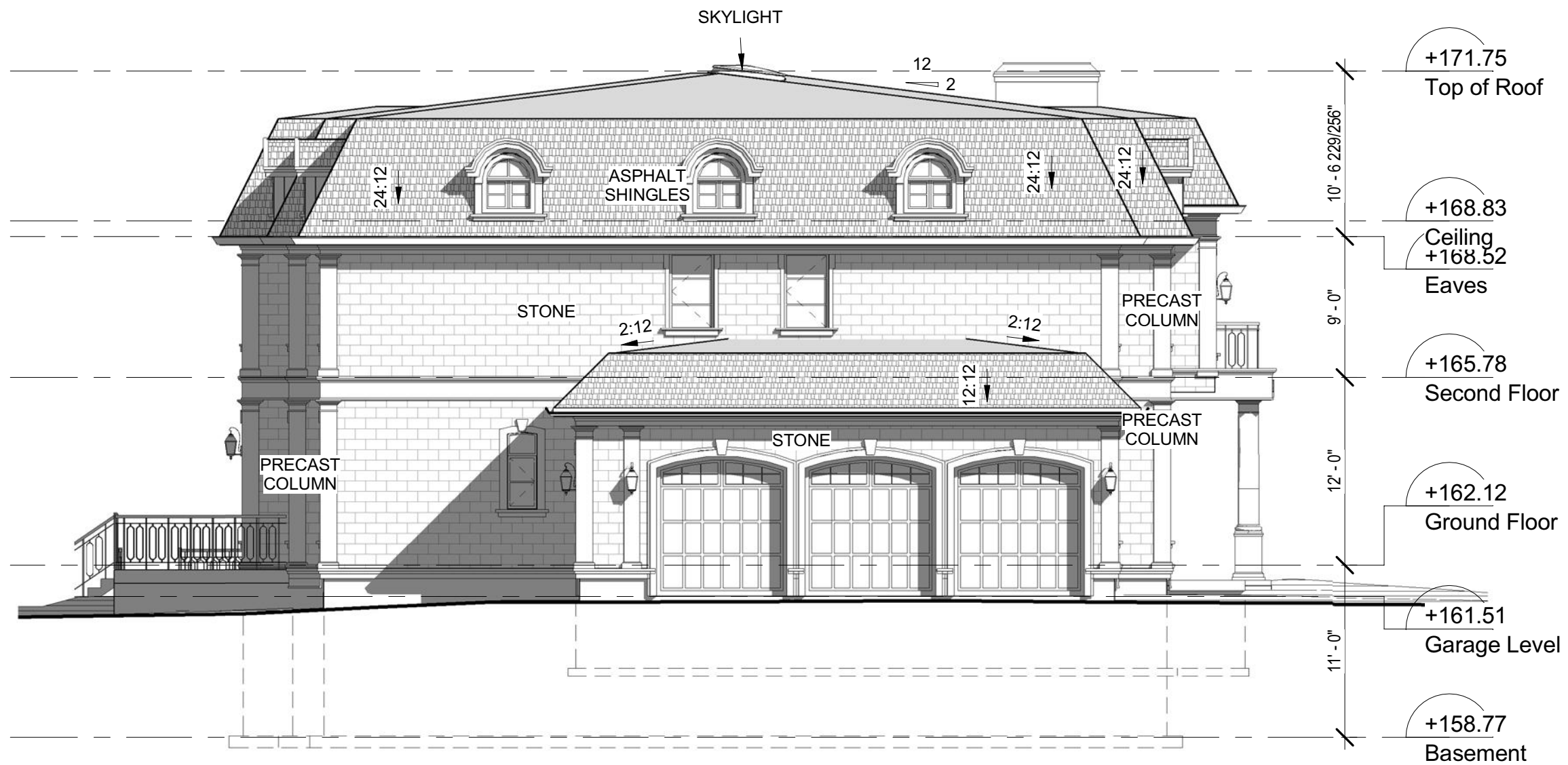
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West Elevation

Drawing No. **A203**



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Project number	T2020041
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East Elevation

Drawing No. **A204**