

Memorandum to the City of Markham Committee of Adjustment

September 1, 2021

File: A/122/21
Address: 62 Fred Varley Drive, Markham
Applicant: Lijuan Sun c/o Sujuan Wei
Agent: AND Architecture Inc. (Sam Wu)
Hearing Date: Wednesday, September 8, 2021

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:**
an interior side yard setback of 4 feet (east) and 5 feet (west), whereas the By-law requires an interior side yard setback of 6 feet;
- b) **Section 6.1:**
a maximum lot coverage 36.19 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 and 10 5/8 inches (8.5 metres), whereas the By-law permits a maximum building height of 25 feet (7.62 metres);

as it relates to a proposed two-storey single detached dwelling.

BACKGROUND

Property Description

The 579.63 m² (6,239.09 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 178.64 m² (1,922.86 ft²) two-storey detached dwelling on the property, which according to assessment records was constructed in 1966. 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 360.38 m² (3,879 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 within 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 Applicant has completed a Zoning Preliminary Review (21 121551 ZPR) on May 20, 2021 to confirm the initial variances required for the proposed development. Initially, the Applicant proposed a larger home with a lot coverage of 38.25 percent, and a side yard setback of 4 ft (1.22 m) on both sides.

The Applicant submitted revised drawings on August 4, 2021, but did not submit a second Zoning Preliminary Review for the revision. Consequently, it is the Applicant’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.

Reduced Side Yard Setback (two-storey portion)

The Applicant is requesting a minimum side yard setback of 4 ft (1.22 m) along the east property line, and 5 ft (1.52 m) along the west property line. 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 2 ft (0.61 m) on the east side and 1 ft (0.31 m) on the west side for 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 36.19 percent (209.77 m² or 2,257.93 ft²), whereas the By-law permits a maximum lot coverage of 33.33 percent (193.19 m² or 2,079.49 ft²). This represents an 8.58 percent (16.58 m² or 178.47 ft²) increase to the permitted building footprint.

The proposed lot coverage includes a 1.60 m² (17.21 ft²) single storey bay window and a 4.31 m² (46.44 ft²) front covered porch, which adds approximately 5.91 m² (63.61 ft²) to the overall building area. Excluding the bay window and front covered porch, the proposed dwelling has a lot coverage of 35.17 percent. Given that the bay window only projects 2.25 ft (0.69 m) beyond the main wall of the dwelling and is only one storey in height and, that the front covered porch is 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 27.88 ft (8.50 m), whereas the By-law permits a maximum building height of 25 ft (7.62 m). This represents an increase of 2.88 ft (0.88 m).

Building heights within the Varley Village neighbourhood vary, with older dwellings being replaced with newer dwellings that are generally taller. The proposed height variance is generally consistent with variances approved for other infill dwellings in the area. Although the proposed dwelling will be taller than other dwellings in the immediate

vicinity, Staff are of the opinion that the proposed roof pitch minimizes the massing of the proposed dwelling, and would not have adverse impacts on the overall character of the street. Accordingly, Staff are of the opinion that the proposed height increase will not result in a dwelling that is incompatible or out of character with its surrounding context and have no concerns with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 1, 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 request meets the four tests of the *Planning Act* and have no objections. Staff recommend that the Committee consider any 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 "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Planner, Central District

REVIEWED BY:



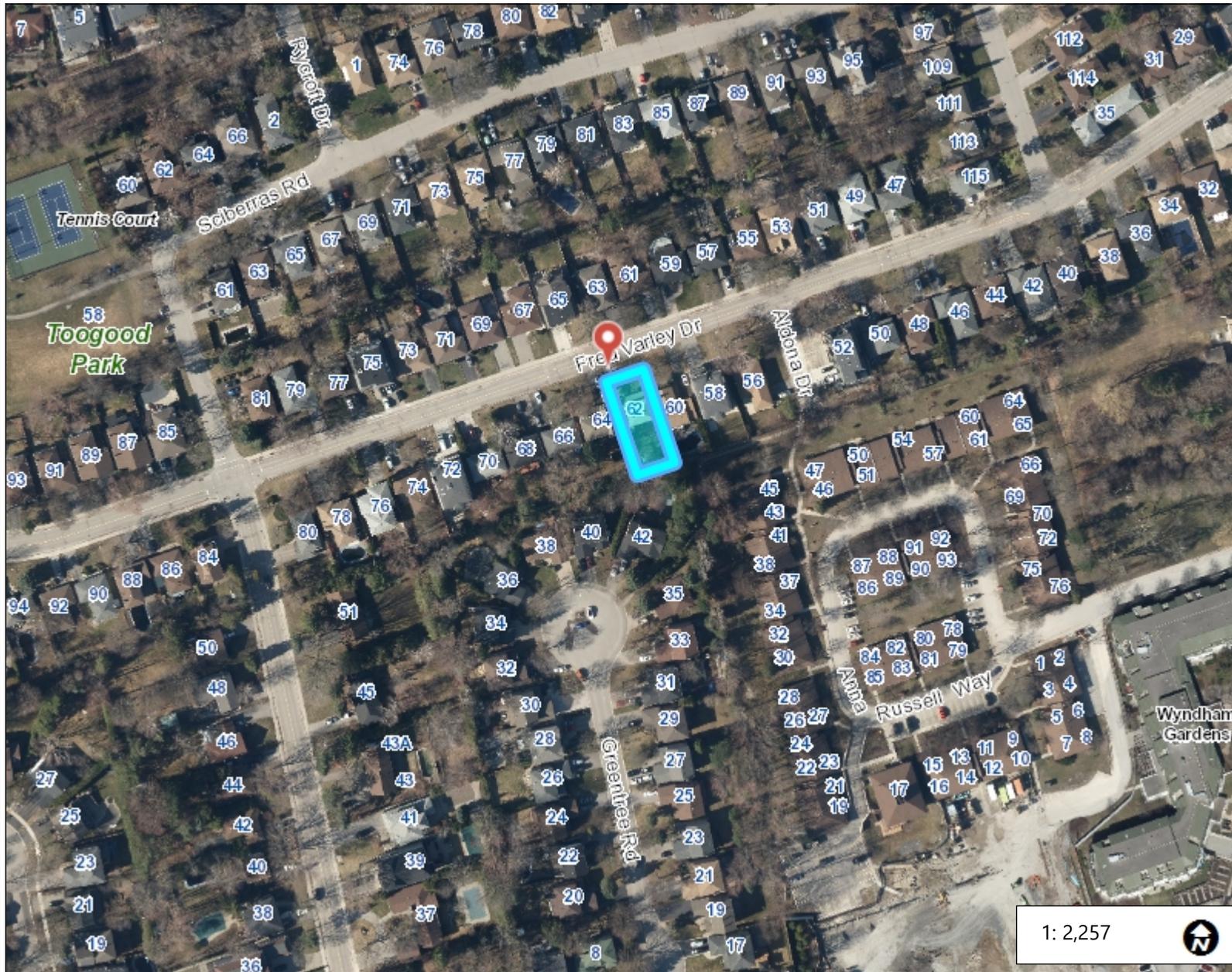
Sabrina Bordone, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Architectural Plans

Appendix "C" – Conditions



Legend

- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities
- Parks
 - <all other values>
 - Under Development

1: 2,257



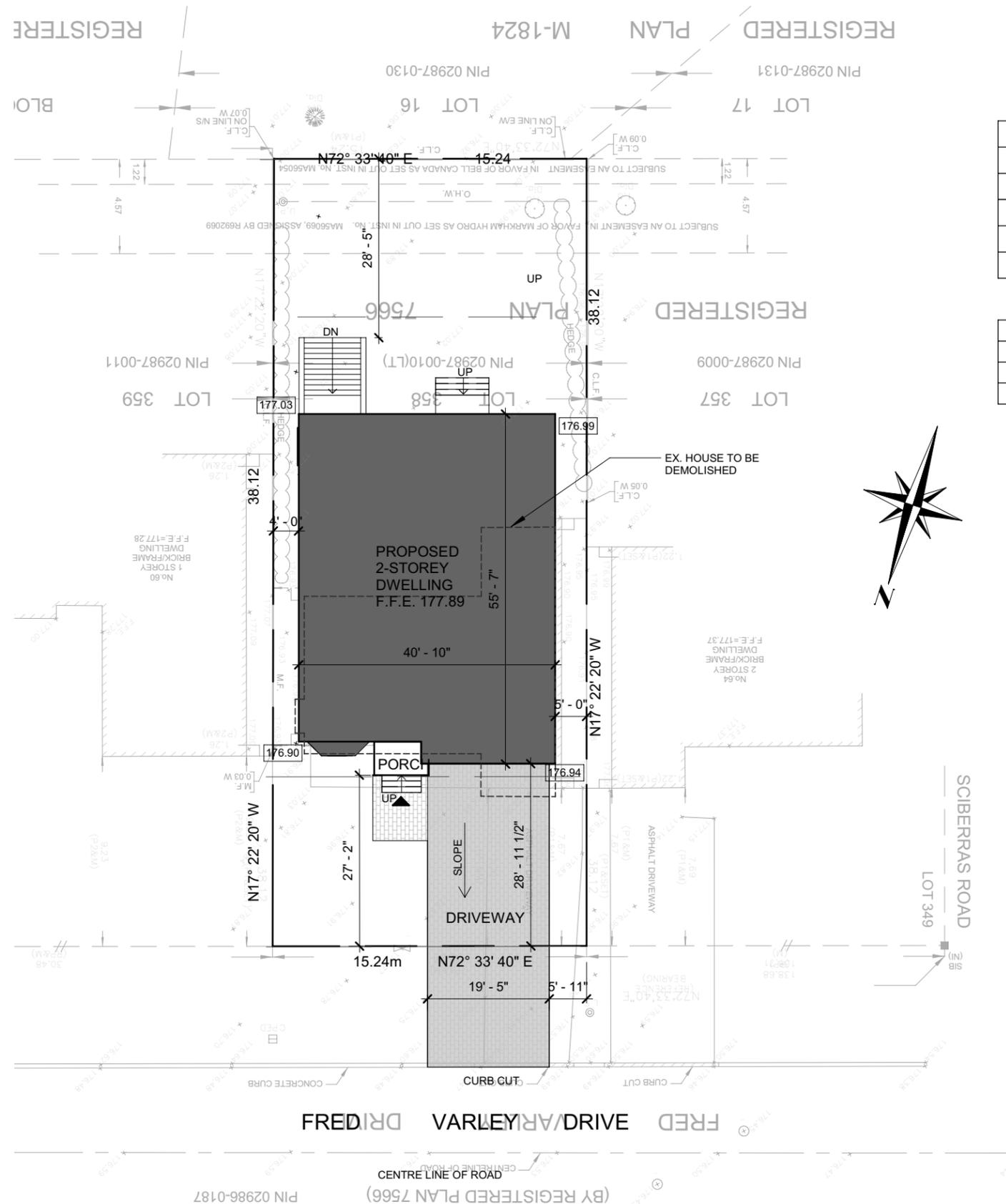
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Notes

Appendix B

File: 21.133419.000.00.MNV

Date: 09/01/21
MM/DD/YY



SITE STATISTICS

ZONING CATEGORY: R4
LOT AREA: 579.63m²

DESCRIPTION	PERMITTED/REQUIRED	PROPOSED
LOT COVERAGE	33.33% MAX.	36.19%
BUILDING HEIGHT	25'-0" MAX.	27'-10 1/2"
FRONT YARD SETBACK	27'-0" MIN.	27'-3"
REAR YARD SETBACKS	25'-0" MIN.	37'-5 1/2"
SIDE YARD SETBACKS	6'-0" MIN.	4'-0" & 5'-0"

GROSS FLOOR AREA (GFA)*

FLOOR	GFA
GROUND FLOOR	165.90 m ² (1,786 SF)
SECOND FLOOR	194.48 m ² (2,093 SF)
TOTAL	360.38 m²* (3,879 SF)

BASEMENT 165.89 m² (1,786 SF)
GARAGE 39.97 m² (430 SF)

* GROSS AREA DOES NOT INCLUDE GARAGE AND BASEMENT



1 SITE PLAN
1 : 250

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3	2021.08.03	ISSUED FOR C.O.A.	SW
No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No 21011
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : As indicated	Drawing No A1
Drawing Name : SITE PLAN		Drawn by : JW	Drawing No A1
		Checked by : HW	

Appendix B

File: 21.133419.000.00.MNV

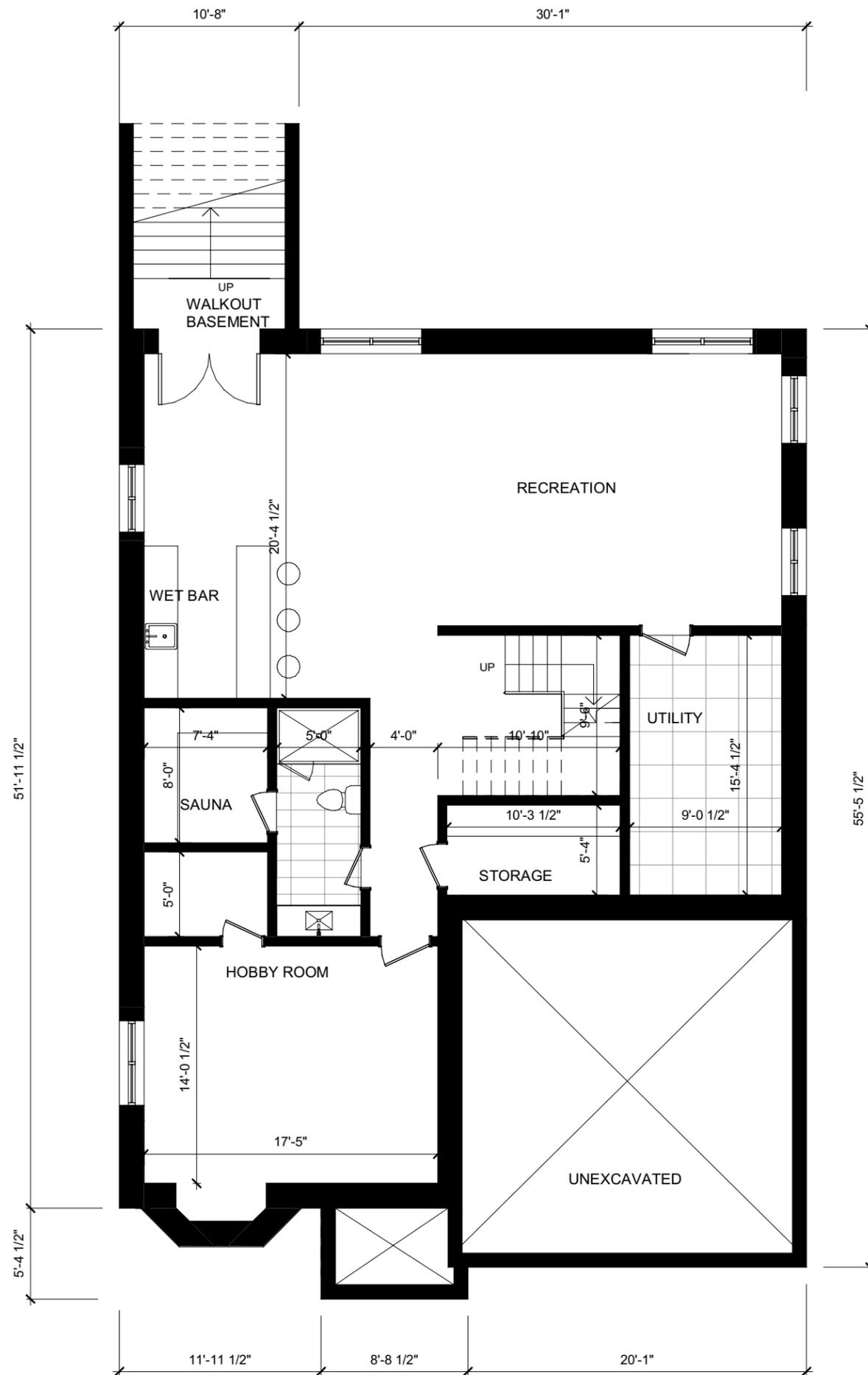
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1 BUILDING SECTION
1/8" = 1'-0"

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Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
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1 BASEMENT PLAN
1/8" = 1'-0"

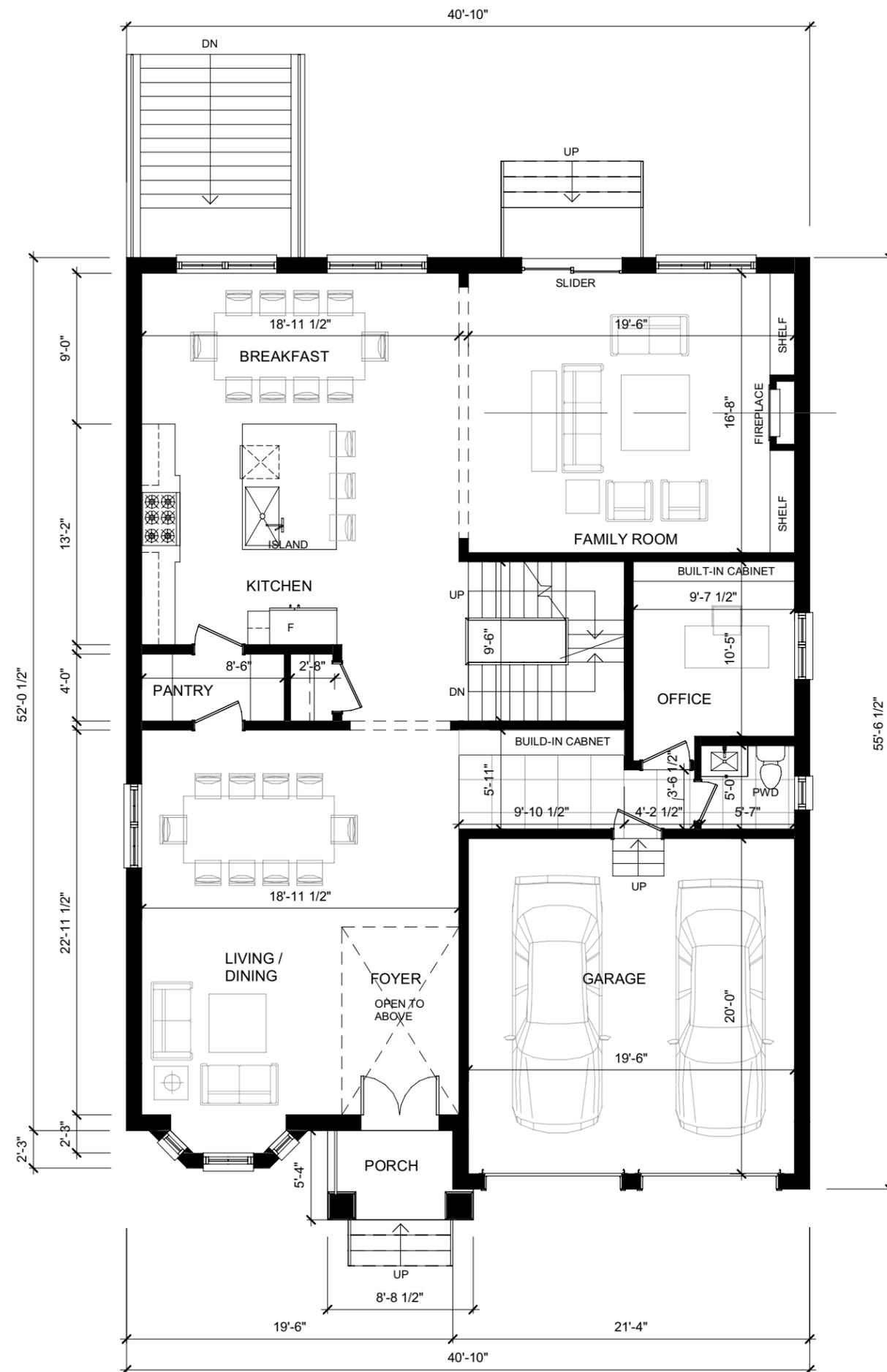
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Project :		Date :	Project No
PRIVATE RESIDENCE		Issue Date	21011
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BASEMENT PLAN		JW	A2
		Checked by : HW	



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

Appendix B

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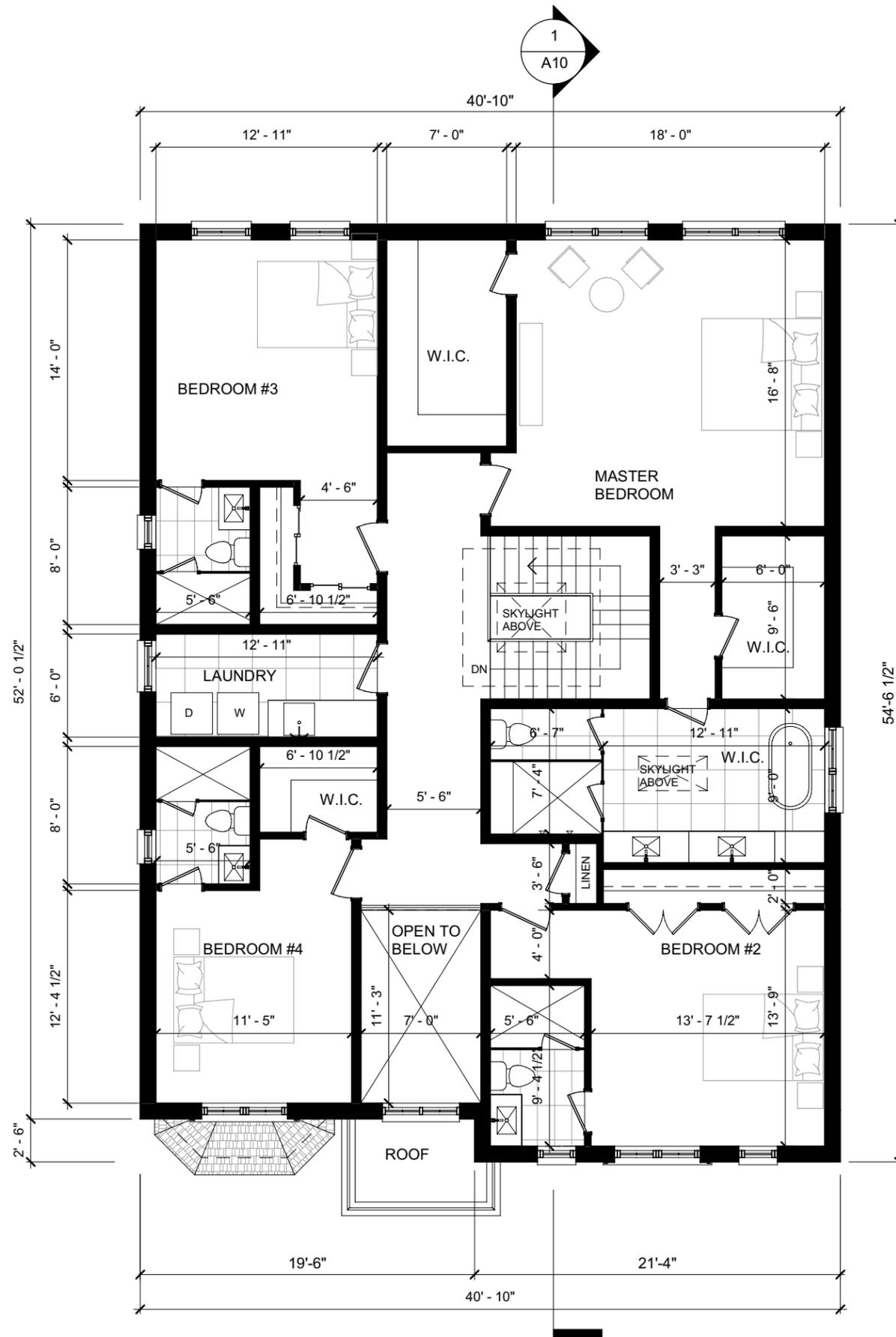
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PRIVATE RESIDENCE		Issue Date	21011
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Appendix B

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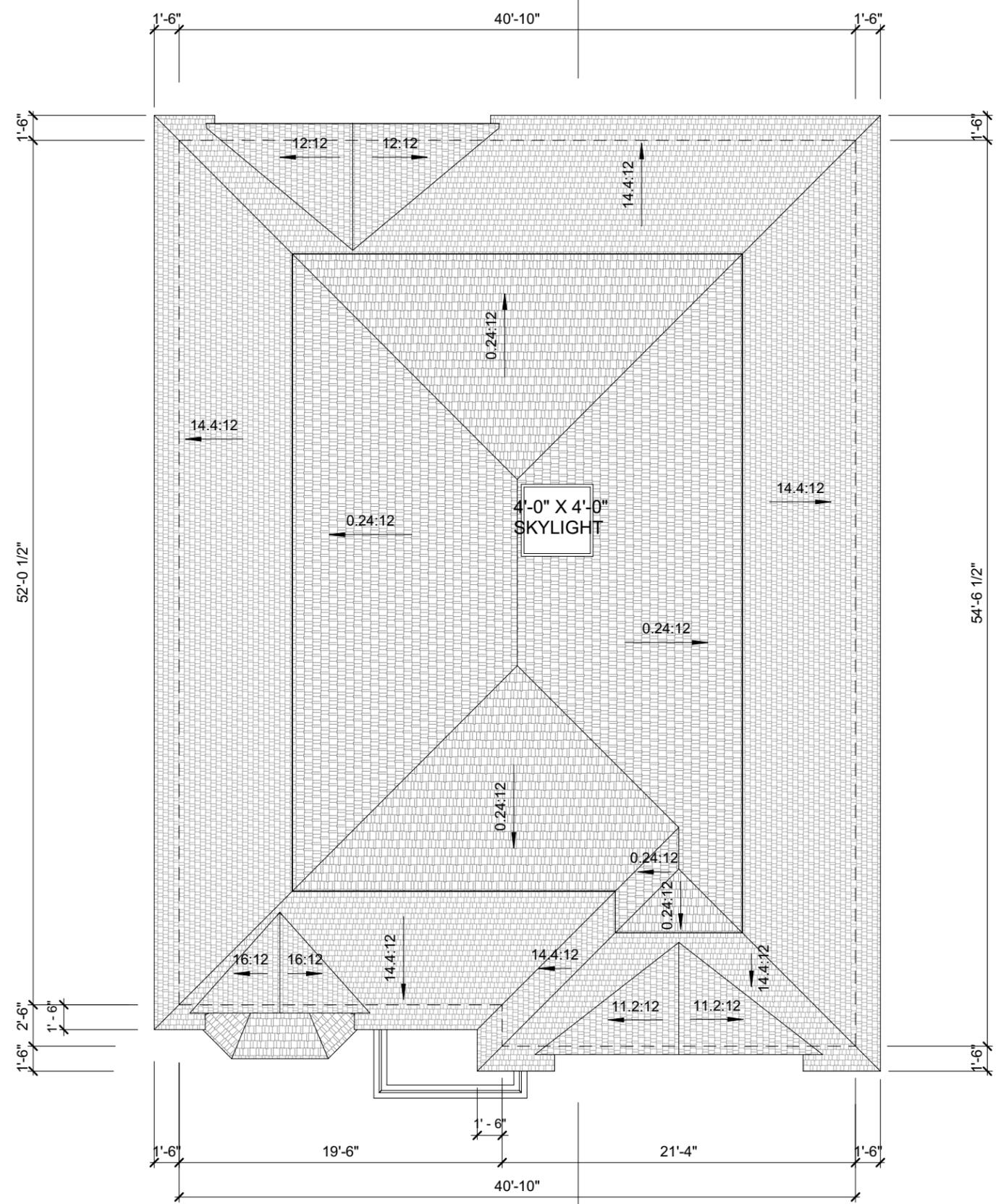
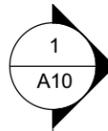
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1 SECOND FLOOR
1/8" = 1'-0"

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No.	Date:	Issued/Revision:	By
Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
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SECOND FLOOR PLAN		Checked by : HW	A4



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

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Project : PRIVATE RESIDENCE		Date : Issue Date	Project No 21011
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		Checked by : Checker	

Appendix B

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

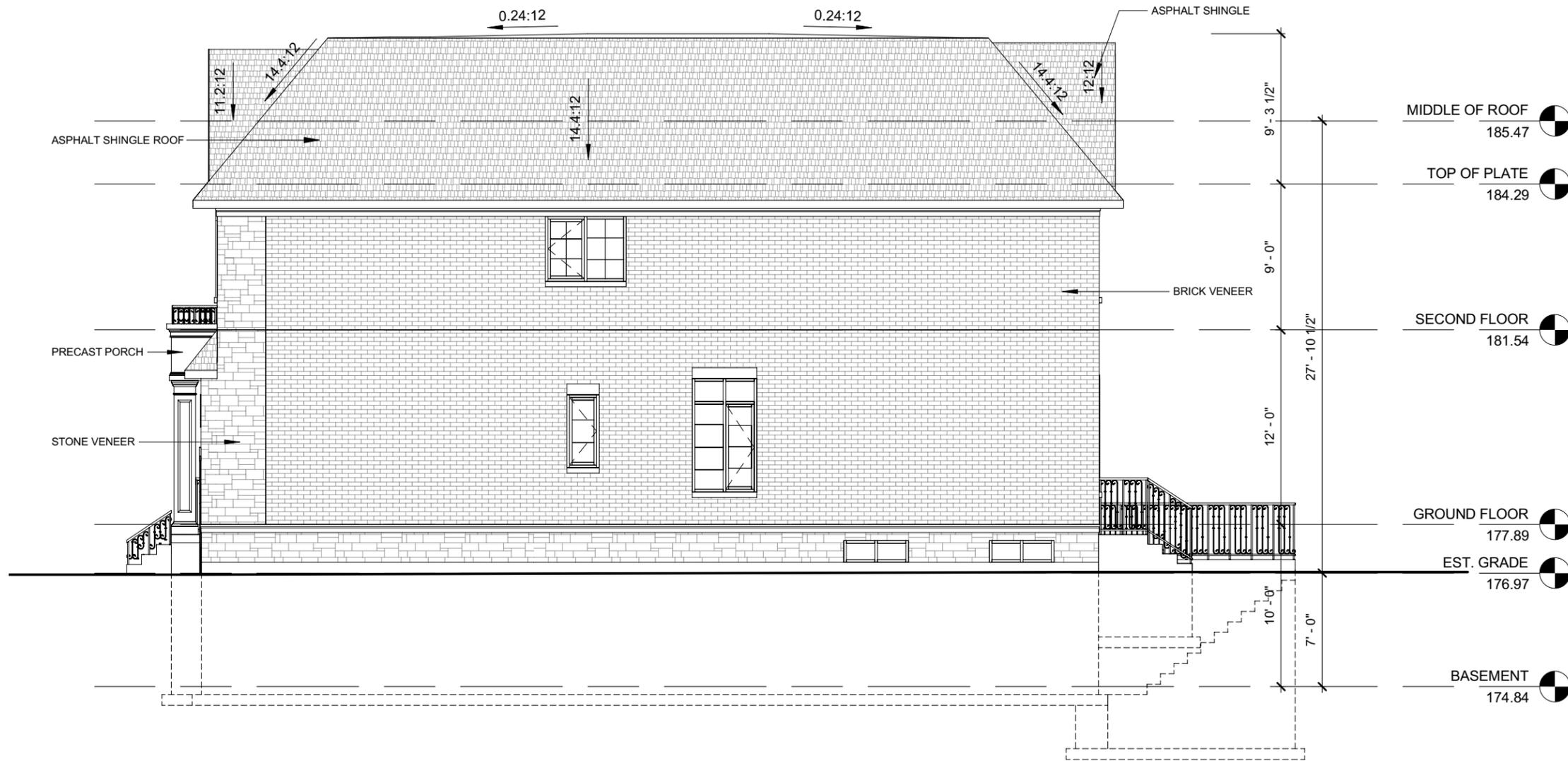
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62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	21011
Drawing Name :		Drawn by : Author	Drawing No
NORTH ELEVATION		Checked by : Checker	A6

Appendix B

File: 21.133419.000.00.MNV

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

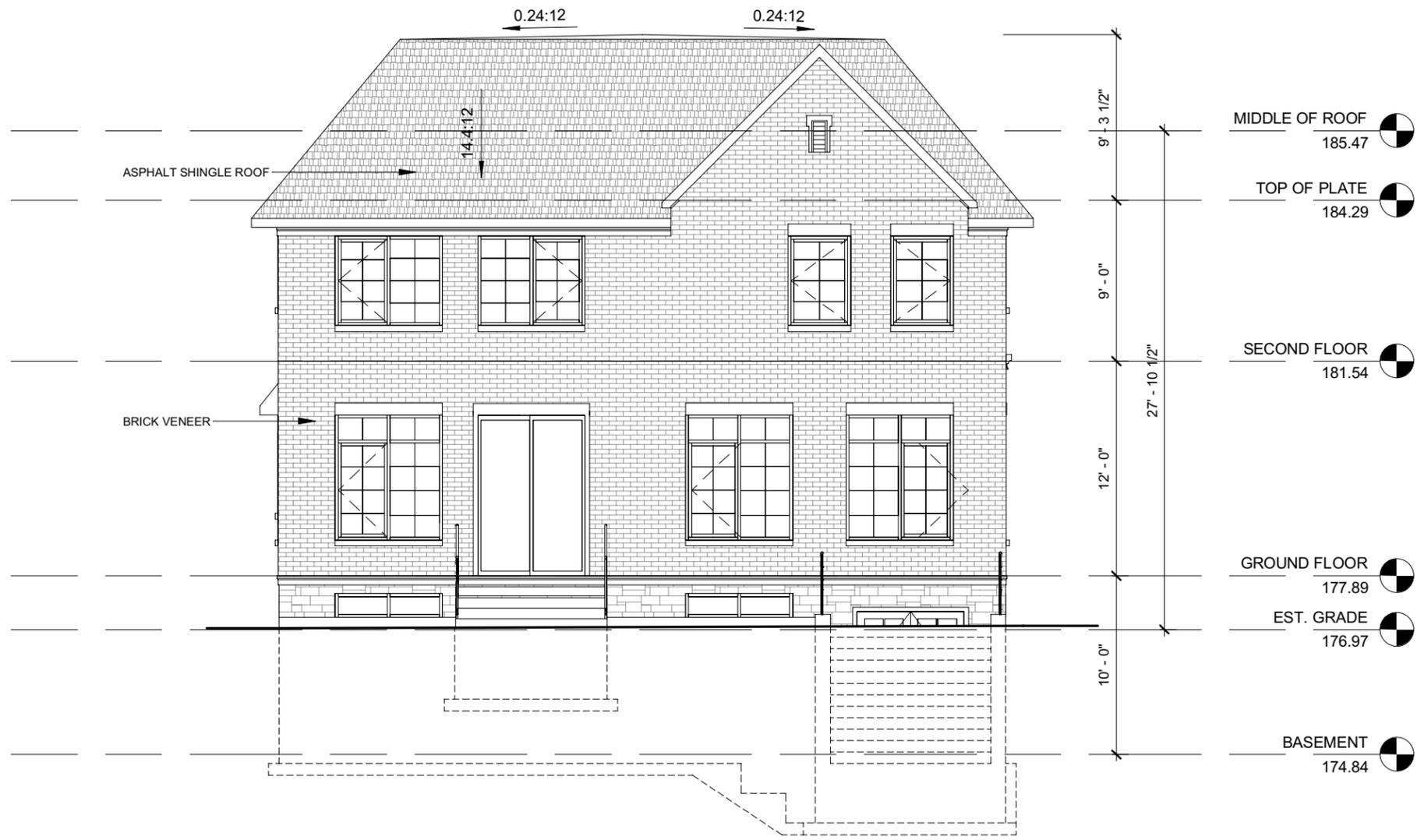
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Drawing Name :		Drawn by : Author	Drawing No
WEST ELEVATION		Checked by : Checker	A7

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

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Project : PRIVATE RESIDENCE		Date : Issue Date	Project No
62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	21011
Drawing Name :		Drawn by : Author	Drawing No
SOUTH ELEVATION		Checked by : Checker	A8

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1 EAST ELEVATION
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62 FRED VARLEY DRIVE MARKHAM ONTARIO		Scale : 1/8" = 1'-0"	21011
Drawing Name :		Drawn by : Author	Drawing No
EAST ELEVATION		Checked by : Checker	A9

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/122/21

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 September 1, 2021, 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