

Memorandum to the City of Markham Committee of Adjustment

June 18, 2020

File: A/032/20
Address: 14 Thurgate Crescent, Thornhill
Applicant: Prazaanah Balasubramaniam & Mythily Balachandran
Agent: ZANJANI ARCHITECT INC. (Sia Zanjani)
Hearing Date: Thursday July 02, 2020

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

The applicant is requesting relief from the following requirements of the Residential Fourth Density (R4) zone in By-law 2612, as amended:

- a) **Schedule B, Building Height:**
a maximum building height of 31 ft 10 in, whereas the By-law permits maximum building height of 25 ft from established grade to midpoint of sloping roof;
- b) **Schedule B, Front yard setback:**
a minimum front yard setback of 22 ft 6 1/4 in (Basement Cold Cellar), whereas, the By-law requires minimum front yard setback of 27 feet; and,
- c) **Schedule B, Lot coverage:**
a maximum lot coverage of 2,441 sq. ft. (38.9 percent), whereas the By-law permits maximum lot coverage of 2,088 sq. ft. (33 1/3 percent);

as they relate to a proposed two-storey detached dwelling.

BACKGROUND

Property Description

The 582.41 m² (6,269.01 ft²) subject property is located on the north side of Thurgate Crescent, west of Don Mills Road and north of Steeles Avenue. There is an existing single detached dwelling on the property, which according to assessment records was constructed in 1972. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property.

Proposal

The applicant is proposing to demolish the existing single detached dwelling and construct a new 367.96 m² (3,960.69 ft²) two storey single detached dwelling on the subject property. The proposal also includes a front covered porch and rear yard deck.

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 2612

The subject property is zoned Residential Fourth Density (R4) in By-law 2612, as amended, which permits single detached dwellings.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on March 02, 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 initially requested relief to permit a maximum building height of 31 ft 10 in (9.70 m), whereas the By-law permits a maximum building height of 25 ft (7.62 m) from established grade to midpoint of sloping roof. This represented an increase of 2.08 m (6.84 ft). Through discussions with Staff, on June 23, 2020, the applicant requested that the variance be changed to:

a) Schedule B, Building Height:

a maximum building height of 30 ft 10 in (9.4 m), whereas the By-law permits maximum building height of 25 ft (7.62 m) from established grade to midpoint of sloping roof.

The revised variance for a maximum building height of 9.4 m (30.83 ft) represents an increase of 1.78 m (5.84 ft) from the by-law or approximately 23.4%. The height variance is in part attributable to the changes in grade from front to back, on the subject property. Height is measured from average grade around the perimeter of the building to the midpoint of the roof between the eaves and ridges. The overall height of the dwelling that faces Thurgate Crescent is calculated at 8.50 m (27.90 ft). This is an increase of 0.88 m (2.89 ft). Measuring the height at the front of the dwelling provides a more refined analysis of the impact of the dwelling to views from the street. In addition, the minimum 1.83 m (6 ft) side yard setbacks are being maintained which, in the opinion of staff, further reduces any negative impacts that the additional height may have on the adjacent dwellings.

Staff are of the opinion the proposed height will not adversely impact the character of the neighbourhood, and have no objection to the proposed building height.

Increase in Minimum Front Yard Setback

The applicant is requesting a minimum front yard setback of 22.53 ft (6.87 m), whereas the By-law permits a minimum front yard setback of 27 ft (8.23 m). This represents a reduction of 4.47 ft (1.36 m). It should be noted that the proposed dwelling is in line with adjacent dwellings and

the existing single detached dwelling is located closer to the front lot line than the proposed dwelling (See A1 Site Plan, Appendix "B"). Staff are of the opinion the requested variance in minor in nature.

Increase in Maximum Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 38.9%, whereas the By-law permits a maximum lot coverage of 33 1/3%. This represents an increase of approximately 16.8% (32.79 m² or 353 ft²). The proposed lot coverage includes the front covered porch which adds approximately 9.94 m² (107 ft²) to the overall building area (See Appendix "C"). The lot coverage excluding the covered front porch would be approximately 37.23% which represents an increase of 11.67%. Staff remain concerned with the extent of the variance to increase the lot coverage to 38.9% as this increase in coverage coupled with a requested increase in building height, may result in a building massing that does not maintain the character of the community. The Committee of Adjustment should satisfy themselves that the requested variance meets the four test of the Planning Act.

PUBLIC INPUT SUMMARY

As of June 25, 2020 the City has received five letters of support for the proposed development and one interested party form identifying objection to the proposal. 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.

APPLICATION PROCESSING

This application was initially scheduled to be heard on April 1, 2020; however, this hearing date was scheduled prior to the Province of Ontario's decision to suspend *Planning Act* timelines for the consideration of a consent and minor variance application, as well as any appeal of an application to the Local Planning Appeal Tribunal.

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22, 2020, the procedural requirements (e.g. sending of notices, hearing of applications, eligibility for appeals to LPAT, etc.) of *Planning Act* applications shall proceed as they did prior to the declaration of the emergency. Revisions to the initial memorandum include an update on matters relating to application processing.

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 for height and front yard setback meet the four tests of the Planning Act and have no objection. Staff are somewhat concerned with the request to increase the coverage to 38.9%, and recommend that Committee satisfies itself regarding the four Planning Act tests. 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.

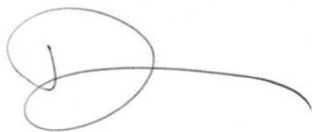
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:

Hailey Miller

Hailey Miller, Planner I, West District

REVIEWED BY:

A handwritten signature in black ink, appearing to be 'D. Miller', with a long horizontal stroke extending to the right.

David Miller, Development Manager, West District

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APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/032/20

1. The variances apply only to the proposed development as long as it remains;
1. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as Appendix "B" as revised to the satisfaction of the Director of Planning and Urban Design;
2. 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;
3. 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;
4. 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