

Memorandum to the City of Markham Committee of Adjustment

June 25, 2020

File: A/018/20
Address: 7 Shorthill Dr Markham
Applicant: Junhua He & Fang Chen
Agent: Rachel Y.H. Sun Architect (Rachel Sun)
Hearing Date: Thursday July 02, 2020

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

The applicant is requesting relief from the “Seventh Density – Single Family Residential (R7)” zone requirements of By-law 134-79, as amended, as they relates to an existing rear shed, accessory dwelling unit in the basement and enclosed walkout stairs that were built without a permit, to permit:

- a) **Section 6.1:**
one accessory dwelling unit in the basement, whereas the By-law permits a single detached dwelling;
- b) **Section 7.2:**
a minimum side yard setback of 0.24m, whereas the By-law requires a minimum of 1.2m for a 1 storey portion;
- c) **Section 7.2:**
a maximum lot coverage of 35.5 percent, whereas the By-law permits a maximum of 33-1/3 percent;
- d) **Section 6.2:**
and an accessory building located 0.45m from the side yard, whereas the By-law permits a minimum of 0.6m from the nearest lot line.

BACKGROUND

Property Description

The 553.2 m² (5954.59 ft²) subject property is located on the east side of Shorthill Drive, west of McCowan Road and south of 16th Avenue. The property is located within an established residential neighbourhood comprised of two-storey detached dwellings. The site is developed with an existing two-storey dwelling, which according to building permit records was constructed in 1987. Parking for the existing dwelling is provided in an attached two-car garage and two-car driveway with access to Shorthill Drive.

Proposal

The applicant is proposing to legalize the existing secondary suite in the basement of the dwelling and existing enclosed walkout stairs situated in the northerly side yard. The variance application also includes an existing shed located in the rear yard, which was built without a permit.

Staff Recommend Deferral of the Application

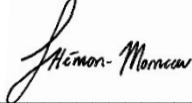
It has been brought to staff's attention that the plans submitted in support of the application may inaccurately depict the subject property and proposed development. The submitted site plan provided by the applicant and the survey available on file are inconsistent with respect to the dimensions of the side yard setbacks. Consequently, the

legal survey on file identifies a northerly side yard setback of 1.31 m (4.29 ft) at the front portion of the garage to 1.37 m (4.49 ft) at the rear portion of the garage. The setback shown on the site plan provided by the applicant is calculated at 1.46 m (4.79 ft).

The plans submitted in support of the variance application also identifies a potential for two self-contained additional dwelling units, whereas only one additional dwelling unit has been requested. Opportunities for one additional unit is identified in Markham's 2014 Official Plan, not two or more. Staff require that the site plan be revised to remove all references to the second self-contained unit. This would include all references to any form of second kitchen component as shown on the plans in support of the application.

On June 25, 2020, staff received an email from the applicant in response to staff's concerns, as noted above. The applicant has indicated their support in the request by staff for a deferral. Staff therefore recommend that this variance application be deferred until the site plan has been revised as indicated, and consistency with the legal survey on file is demonstrated.

PREPARED BY:



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REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District