

# Memorandum to the City of Markham Committee of Adjustment

November 18, 2021

**File:** A/095/21  
**Address:** 41 Hewlett Crescent, Markham  
**Applicant:** Chih Shou Chu  
**Agent:** H&L Bilateral Design Inc. (Brian Hu)  
**Hearing Date:** Wednesday, November 24, 2021

The following comments are provided on behalf of the Central Team. The applicant is requesting relief from the following “Eighth Density – Single Detached Residential (R8)” Zone requirements under By-law 134-79, as amended, as it relates to a front porch enclosure:

a) **By-law 134-79, Sec. 7.2 c):**

to permit a maximum lot coverage of 35.95 percent, whereas By-law permits a maximum lot coverage of 33.33 percent.

## **BACKGROUND**

### **Property Description**

The 547.5 m<sup>2</sup> (5,893.24 ft<sup>2</sup>) subject property is located on the south side of Hewlett Crescent, which is situated south of 16<sup>th</sup> Avenue and west of McCowan Road. The property is located within an established residential neighbourhood, which is predominantly comprised of two-storey detached dwellings.

There is an existing 473.5 m<sup>2</sup> (5,096.71 ft<sup>2</sup>) two-storey detached dwelling on the property which, according to assessment records, was constructed in 1985. Mature vegetation exists on the property, including one large mature deciduous tree in the front yard.

### **Proposal**

The applicant is seeking approval for a previously constructed one-storey, 14.5 m<sup>2</sup> (156.08 ft<sup>2</sup>), front porch enclosure.

### **Official Plan and Zoning**

Official Plan 2014 (partially approved on Nov 24/17, and updated on April 9/18)

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings.

### Zoning By-Law 134-79

The subject property is zoned “Eighth Density – Single Family Residential Detached (R8)” under By-law 134-79, as amended, which permits one single detached dwelling per lot. The proposed development exceeds the maximum lot coverage requirement.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The applicant confirmed that a ZPR has not been conducted. However, the applicant received comments from the City’s Building Department through their Building Permit review process (HP 21 111240). It is the Owner’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.

### **Increase in Maximum Lot Coverage**

The applicant is requesting relief for a maximum lot coverage of 35.95 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent. The requested variance would facilitate the approval of a previously constructed porch enclosure located along the front elevation of the existing detached dwelling, with a gross floor area of approximately 14.5 m<sup>2</sup> (156.08 ft<sup>2</sup>).

Staff are of the opinion that the requested variance is minor in nature and that the proposed increase in lot coverage does not significantly add to the scale and massing of the existing detached dwelling. In the event of approval, staff recommend that the conditions detailed in Appendix "A" be adopted.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 18, 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 support its approval. Staff recommend that the Committee consider public input in reaching a decision.

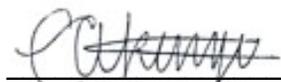
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

## **APPENDICES**

Appendix "A" – Conditions of Approval

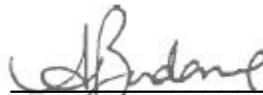
Appendix "B" – Plans

PREPARED BY:



Charlotte Wayara, Development  
Technician

REVIEWED BY:



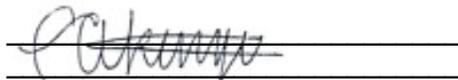
Sabrina Bordone, Senior Planner,  
Central Development District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/095/21**

1. The variance applies only to the proposed development as long as it remains.
2. That the variance applies only to the proposed development, in substantial conformity with the batch stamped plans 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.

CONDITIONS PREPARED BY:

A handwritten signature in cursive script, appearing to read 'C. Wayara', is written over a horizontal line.

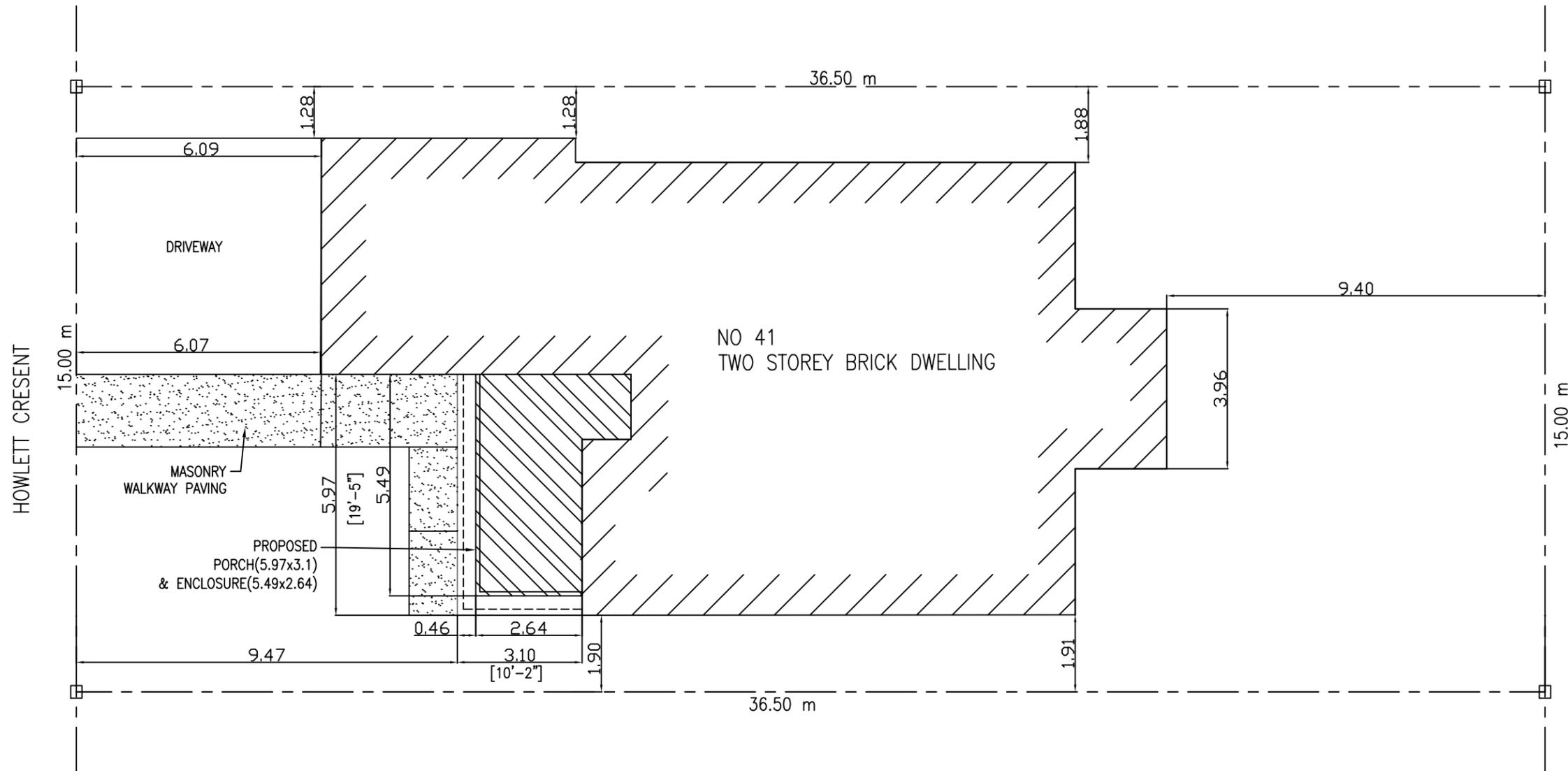
Charlotte Wayara, Development Technician

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/095/21**

# Appendix B

File: 21.127448.000.00.MNV

Date: 11/19/21  
MM/DD/YY



**SITE PLAN**  
SCALE: 3/16" = 1'-0"

LOT DATA:

LOT AREA: 547.5 m<sup>2</sup>

FOOTPRINT AREA:

EXISTING HOUSE: 182.3 m<sup>2</sup>  
ENCLOSED PORCH: 14.5 m<sup>2</sup>  
TOTAL : 196.8 m<sup>2</sup>



| No. | Revisions | Date | By |
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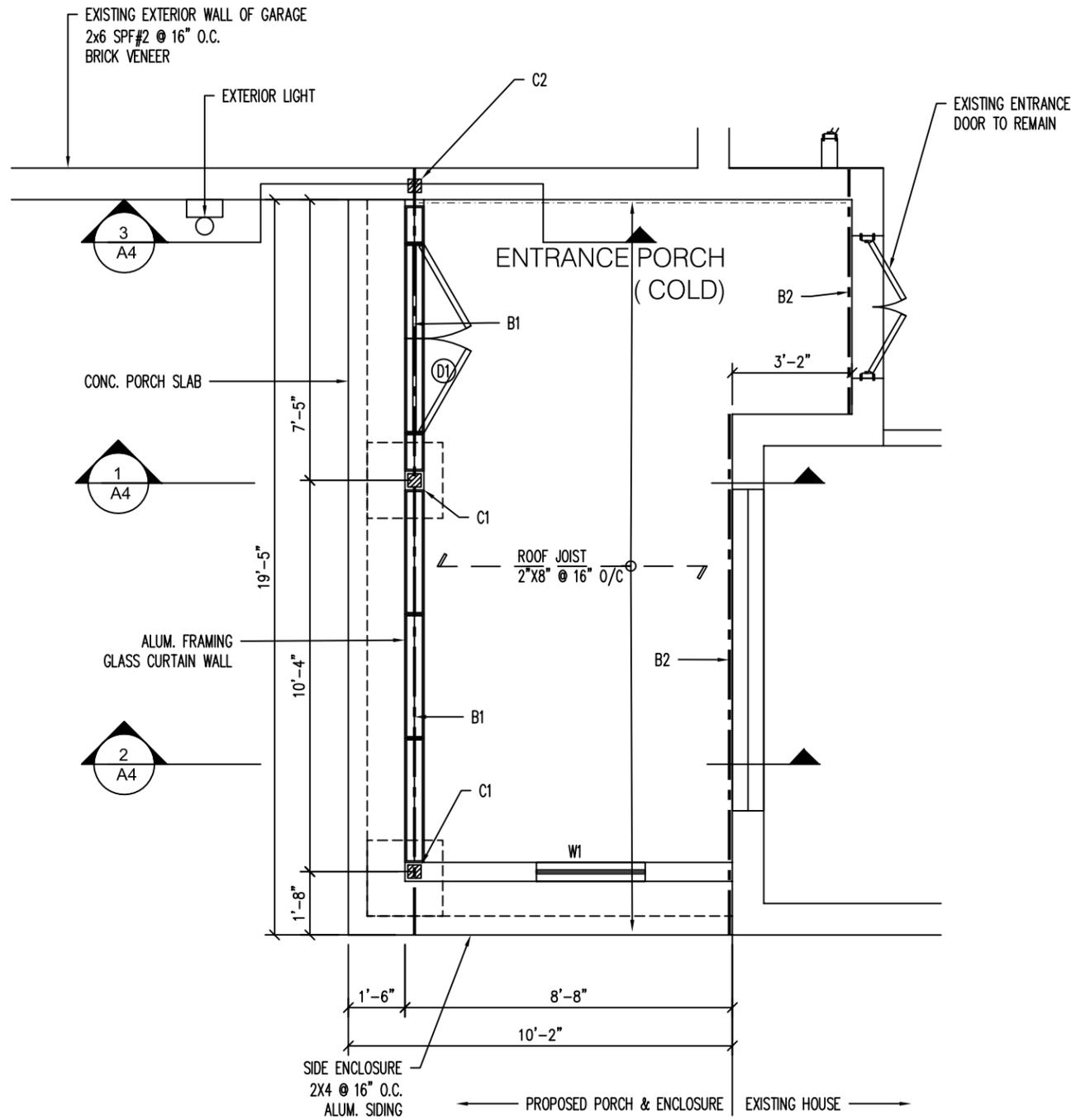
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|---------------------------|--|---|------------------|---|--|
| Title: SITE PLAN          |  | Project: PROPOSED PORCH AND ENCLOSURE     |                  | H & L BILATERAL DESIGN INC.   |  |
| PROJECT NUMBER: HL-210302 |  | 41 Hewlett Cres. Markham, Ontario L3P 7J9 |                  | 7321 VICTORIA PARK AVE. SUITE 202 MARKHAM, ONTARIO, CANADA, L3R 2Z8 |  |
| DRAWING NUMBER: SP        |  | SCALE: AS/NOTED                           | DATE: 12/03/2021 | Phone: (416) 907-5208 Fax: (416) 907-5208                           |  |
|                           |  | DRAWN: DL                                 | CHECKED: BH      |   |  |

# Appendix B

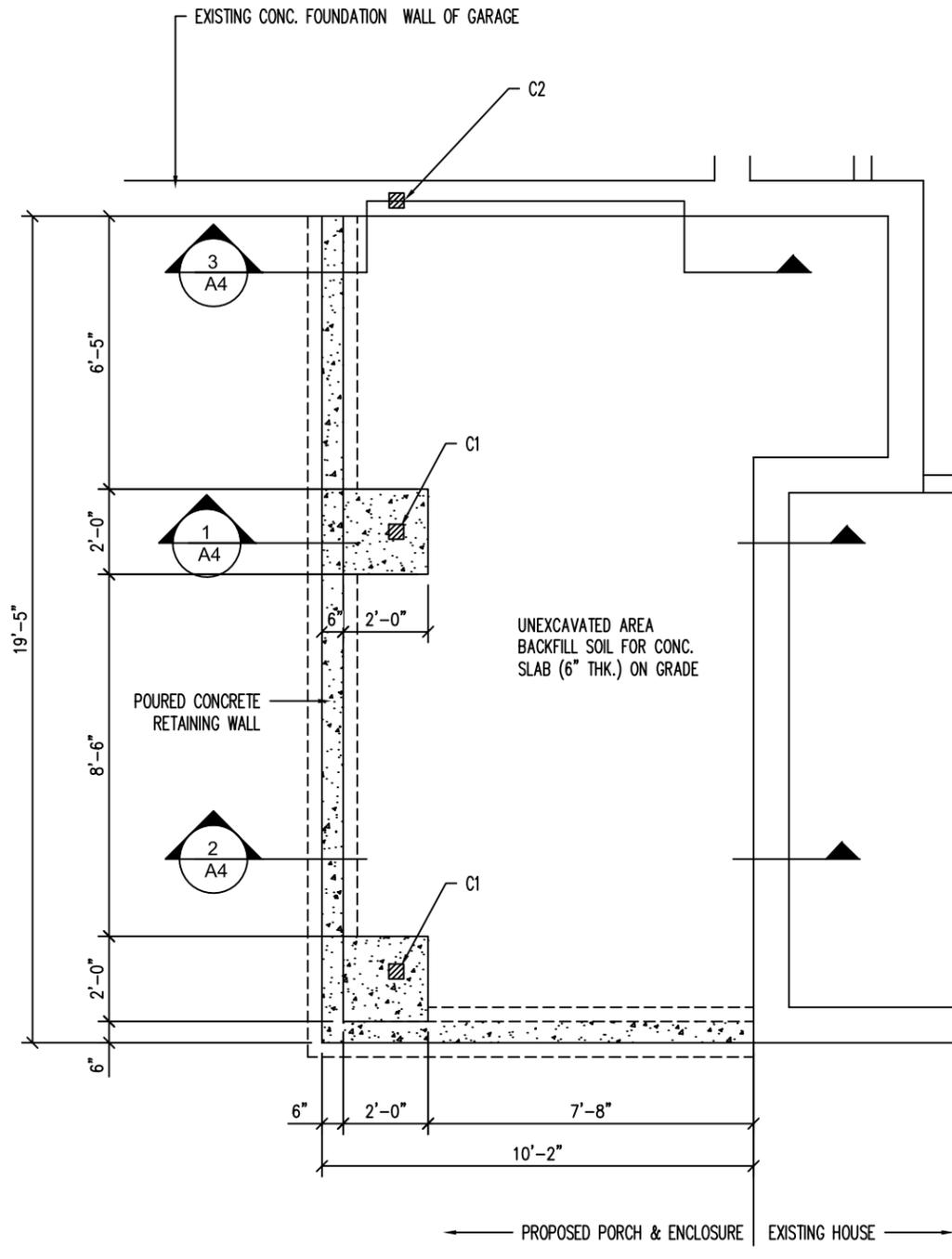
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Date: 11/19/21

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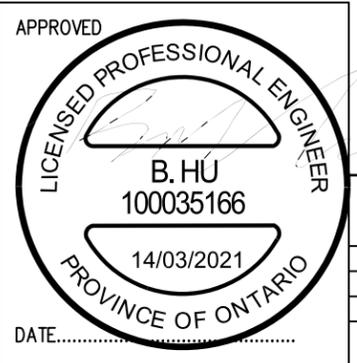


**2** PORCH FLOOR PLAN  
Scale: 1/4"=1' - 0"



**1** PORCH FOUNDATION PLAN  
Scale: 1/4"=1' - 0"

- LEGEND:**
- NEW BEAM
  - B1: 2-2x10 SPF #2
  - B2: LEDGER 2x10 SPF #2
  - ▨ NEW COLUMN
  - C1: 4-2x6 SPF#2
  - C2: 3-2x4 SPF#2
  - ⊙1 2-36"x80" DOUBLE DOOR (ALUM. FRAMING STORM GLASS DOOR)
  - W1 12"x30" FIXED WINDOW



| No. | Revisions | Date |
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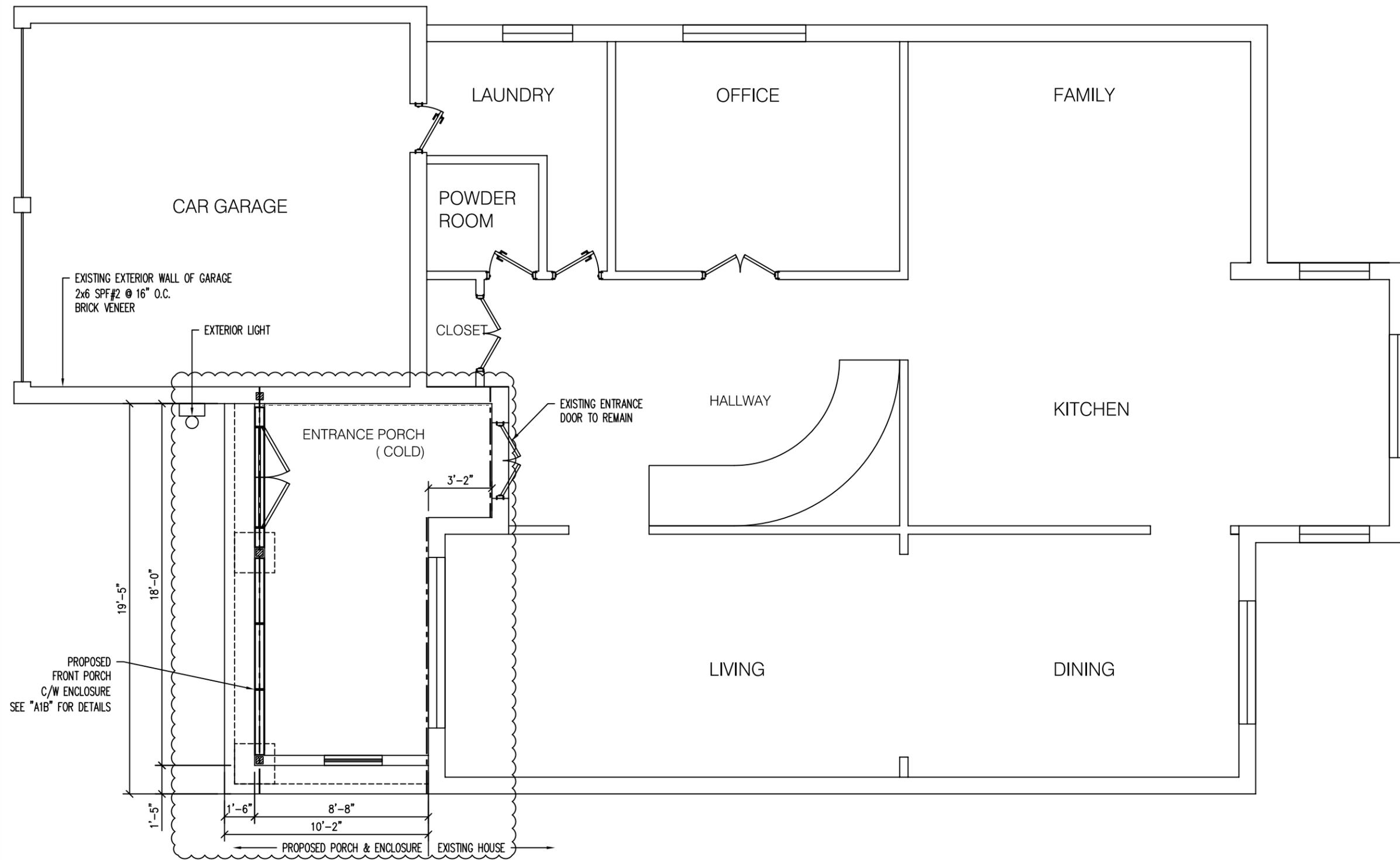
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| DRAWING NUMBER: A1B       |  | SCALE: AS/NOTED                     | DATE: 12/03/2021 |
|                           |  | DRAWN: FW                           | CHECKED: BH      |

**H & L BILATERAL DESIGN INC.**  
7321 VICTORIA PARK AVE. SUITE 202  
MARKHAM, ONTARIO, CANADA, L3R 2Z8  
Phone: (416) 907-5208  
Fax: (416) 907-5208

# Appendix B

File: 21.127448.000.00.MNV

Date: 11/19/21  
MM/DD/YY



**1 GROUND FLOOR PLAN (EXISTING)**  
Scale: 3/16"=1' - 0"



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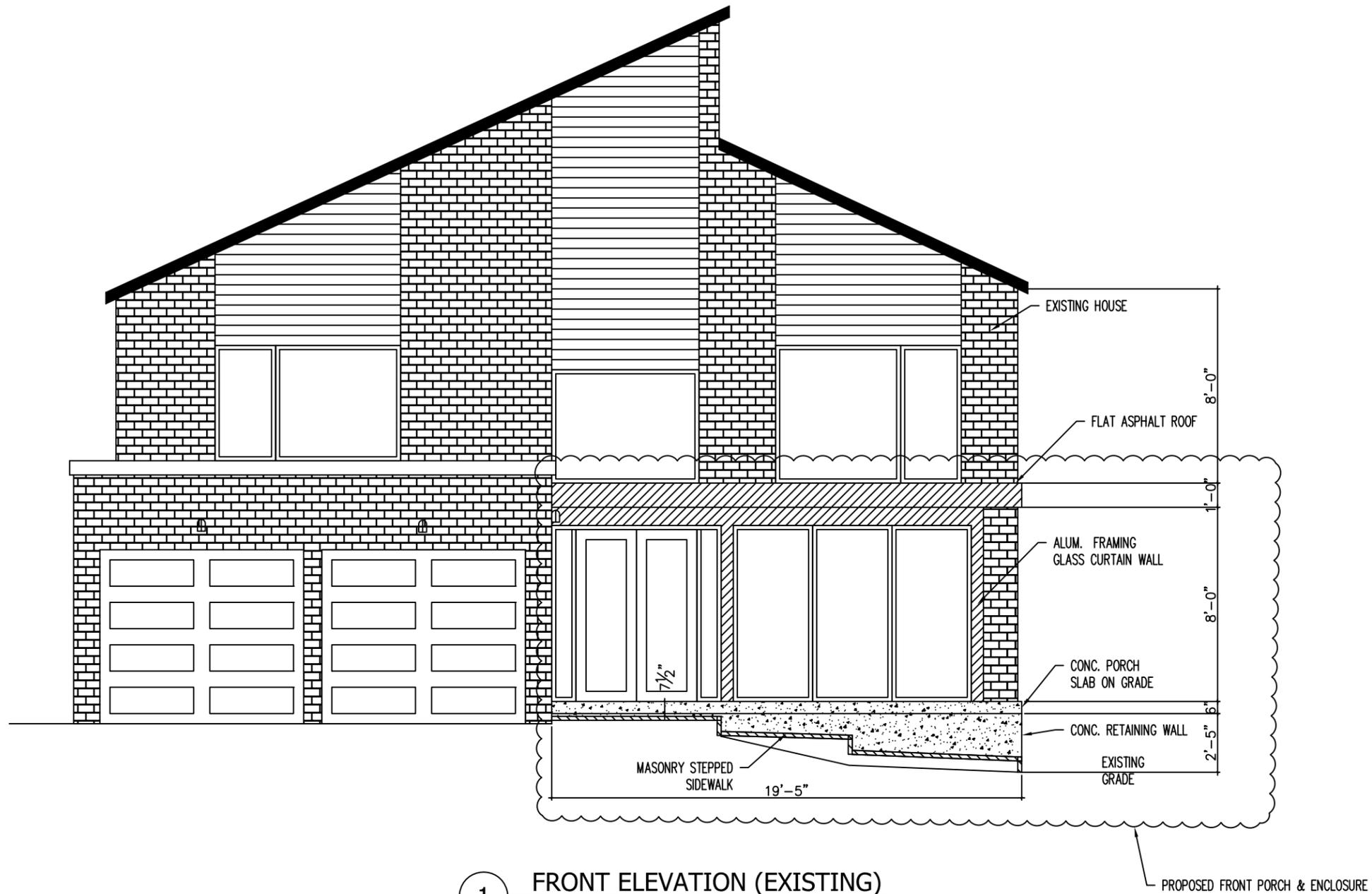
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| Title:<br>GROUND FLOOR PLAN |  | Project:<br>PROPOSED PORCH & ENCLOSURE |                  | H & L<br>BILATERAL DESIGN INC.   |  |
| PROJECT NUMBER: HL-210302   |  | 41 HEWLETT CRESCENT ON. L3P 7J9        |                  | 7321 VICTORIA PARK AVE. SUITE 202<br>MARKHAM, ONTARIO, CANADA, L3R 2Z8 |  |
| DRAWING NUMBER: A1          |  | SCALE: AS/NOTED                        | DATE: 12/03/2021 | Phone: (416) 907-5208<br>Fax: (416) 907-5208                           |  |
|                             |  | DRAWN: FW                              | CHECKED: BH      |  |  |

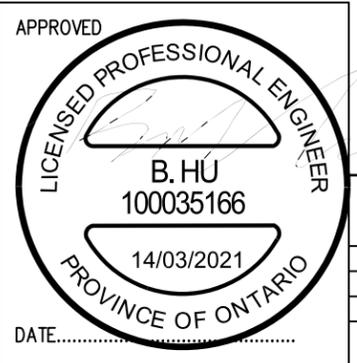
# Appendix B

File: 21.127448.000.00.MNV

Date: 11/19/21  
MM/DD/YY



1 FRONT ELEVATION (EXISTING)  
Scale: 3/16"=1' - 0"



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| Title:          | FRONT ELEVATION |
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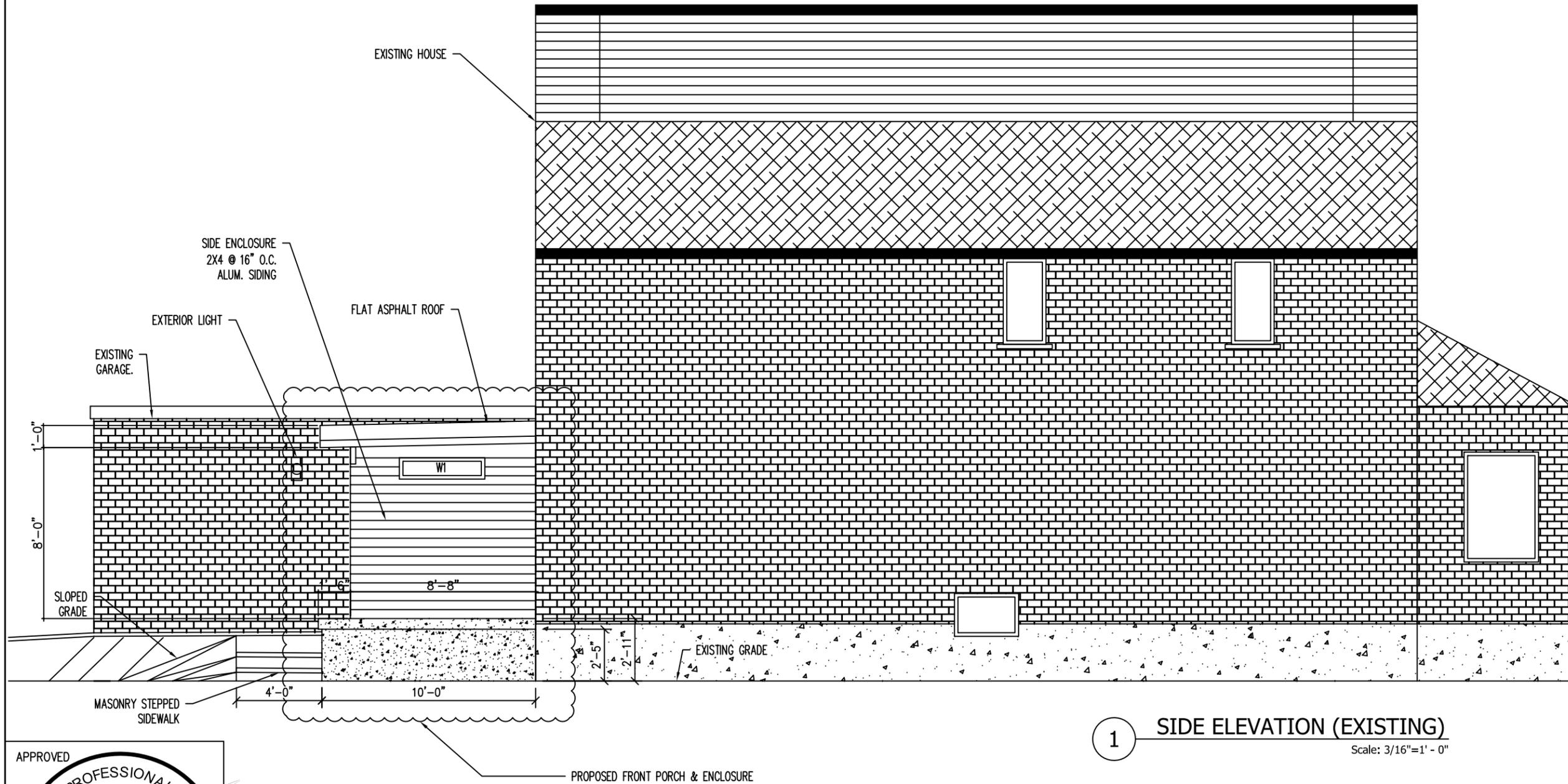
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| Project:                        | PROPOSED PORCH & ENCLOSURE |
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| SCALE:                          | AS/NOTED                   |
| DATE:                           | 12/03/2021                 |
| DRAWN:                          | FW                         |
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# Appendix B

File: 21.127448.000.00.MNV

Date: 11/19/21  
MM/DD/YY



**1** SIDE ELEVATION (EXISTING)  
Scale: 3/16"=1' - 0"



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| Title:          | SIDE ELEVATION |
| PROJECT NUMBER: | HL-210302      |
| DRAWING NUMBER: | A3             |

|                                 |                            |
|---------------------------------|----------------------------|
| Project:                        | PROPOSED PORCH & ENCLOSURE |
| 41 HEWLETT CRESCENT ON. L3P 7J9 |                            |
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| DRAWN: FW                       | CHECKED: BH                |

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