

Memorandum to the City of Markham Committee of Adjustment

February 12, 2020

File: A/007/20
Address: 25 Steele Valley Rd – Markham (Thornhill), ON
Applicant: Julie DeGasperis
Agent: Thomas Marzotto Architect
Hearing Date: Wednesday February 19, 2020

The following comments are provided on behalf of the West Team. The Applicant is requesting relief from the following requirements of By-law 1767, "Greenbelt Residential (GR) Zone" as amended, as it relates to a proposed two-storey detached dwelling to permit:

a) Amending By-law 101-90, Section 1.2(iii) - Building Depth:

A maximum building depth of 36.74 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

b) Parking By-law 28-97, Section 6.2.4.4 a) i):

A minimum interior east side yard driveway setback of 2 feet, whereas the By-law requires a minimum setback of 10 feet, as required for the main building from the interior sideyard;

c) Parking By-law 28-97, Section 6.2.4.2 b) i):

A maximum driveway width of 14.4 metres (47 ft 2 in), whereas the By-law permits a maximum driveway width of 7.5 metres (24 ft 6 in); and

d) Parking By-law 28-97, Section 6.2.4.7 a) – Elevation of Garage Floor:

A finished garage floor elevation (156.01) to be lower than the elevation of the public street from which access to the parking garage is provided, whereas the By-law requires the finished garage floor elevation to be higher than the elevation of the public street (158.33) from which access to the private garage is provided, measured at the mid-point of the private driveway at the streetline.

BACKGROUND

Property Description

The 4,038.8 m² (43,473.28 ft²) subject property is located on the south side of Steele Valley Road, north of Steeles Avenue East, east of Henderson Avenue, and west of Bayview Avenue. There is an existing two-storey dwelling on the property, with an in-ground pool and pool cabana located south of the existing dwelling. The property is located along a street which ends as a turning circle at its most westerly point. The street and surrounding area are comprised of residential lots which have a variation in shapes, sizes, and depths. The residential built form similarly reflects this variation comprised of a mixture of widths, depths, and setbacks. Residential lots on the south side of Steele Valley Road generally have lots with greater depths, than those on the north side. Newer dwellings are being developed as infill development along the street and within the surrounding area.

Proposal

The Applicant is proposing to demolish the existing two-storey dwelling and construct a two-storey single detached dwelling with a greater building depth, and reverse sloped car ramp.

Official Plan and Zoning

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

"Residential Low Rise & Greenway Buffer"

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.

The property is also subject to the Thornhill Area and Site Specific policies of the Official Plan. The intent of these policies is to ensure that new dwellings are limited by their size and massing to respect and reflect the existing pattern and character of adjacent development. Development standards are provided in the zoning by-law.

Urban Design staff have also provided comments requesting the Applicant to have regard for the alignment of the front building line of the properties. While staff acknowledge variation amongst front building line setbacks along the street which the zoning allows for, the plans shown in Appendix "A" currently proposes the main front building line, south of the rear building line of the dwelling located at 21 Steele Valley Road.

Zoning By-Law 1767

The subject property is zoned "Greenbelt Residential (GR) Zone" under By-law 1767, as amended, which permits one single detached dwelling per lot.

Residential Infill Zoning By-law 101-90

The property is also subject to the Residential Infill Zoning By-law 101-90. 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 the maximum building depth.

Parking By-law 28-97

The subject property is subject to the Parking By-law 28-97. The proposed driveway does not comply with this By-law with respect to the minimum interior side yard setback on the east side of the property, maximum width, and finished garage floor elevation.

Applicant's Stated Reason for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, *"the existing dwelling does not meet the needs of the owner"*.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a ZPR on January 15, 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Building Depth

The Applicant is requesting a maximum building depth of 36.74 m (120.54 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of 19.94 m (65.42 ft), or 119%. Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

Staff recognize that the residential lots adjacent to the subject property have similar characteristics in terms of size, depth, and shape; and further, recognize that lots along the south side of the street generally have greater depths than those along the north side. While massing is provided on the west side of the property, the Applicant proposes a building depth of approximately 32.44 m (106.43 ft) for the second storey portion of the dwelling. Staff are of the opinion that the proposed building depth at two-storeys in height does not meet the general intent of the Infill By-law, nor does it reflect the general intent of Official Plan as it relates to overall massing, scale and height principles. These concerns have been expressed to the Applicant. Staff recommends a deferral of the application to provide the Applicant time to work with staff to address these concerns.

Reduced (East) Side Yard Driveway Setback

The Applicant is requesting a minimum side yard setback of 2 ft (0.61 m) for the east side of the driveway, whereas the by-law requires a minimum side yard setback of 10 ft (3.05 m).

The Applicant has submitted a site plan which shows a portion of the driveway that projects out towards the east property line, from the circular portion of the driveway. Engineering staff have reviewed the application and have no concern with the variance. Staff are of the opinion that the requested relief related to the driveway projection should not adversely impact the character of the neighbourhood and do not object to this variance.

Increase in Maximum Driveway Width

Staff note that the proposed driveway has an approximate width of 14.4 m (47.24 ft) measured at the northern end of the landscape circle where the single entrance splits, whereas the Parking By-law only permits a driveway width of 7.5 m (24.61 ft).

The driveway has one entry point with an approximate width of 4.88 m (16.01 ft). Staff are of the opinion that the design of the driveway is characteristic of the area, and have no

concerns that the proposed driveway width will have adverse impacts to the streetscape. Staff do not object to this variance.

Finished Garage Floor Elevation

The Applicant is proposing a private driveway leading to a reverse sloped private car ramp which has a private garage with a floor elevation that is lower than the elevation of the public street, whereas the By-law requires a private driveway leading to a private garage to have a floor elevation higher than the elevation of the public street.

By-law 28-97, as amended, requires that the garage floor elevation be above the elevation of the public street, in order to prevent “reverse” or “negative” slope driveways. The only exception to this is a case where the first floor of the dwelling is lower than the level of the street due to natural topography, in which case a garage floor may be 1.0 m lower than the first floor of the dwelling. In this instance, the above exception does not apply, since the dwelling’s first floor elevation is higher than the elevation of the public street.

Planning staff generally do not support reverse slope driveways. The flooding of dwellings has been a growing problem in many parts of Markham, including the Thornhill community, and staff note that reverse slope driveways are a significant contributing factor. With reverse slope driveways, the proposed trench drain responsible for the draining of the car ramp is at a lower elevation in relation to the road and therefore subject the dwelling to the risk of possible flooding. City Council approved an amendment to the Parking By-law 28-97 in 2012 so as not to permit reverse slope driveways throughout Markham. Engineering staff have reviewed the proposed plans and do not have any comments.

PUBLIC INPUT SUMMARY

Five written submissions of support were received as of February 12, 2020. 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. As of February 12, 2020 the City also received one submission from a resident expressing concerns with respect to the redevelopment of larger homes on Steele Valley Road and potential impacts related to the overall neighbourhood and neighbouring properties.

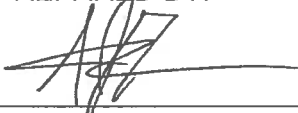
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CONCLUSION

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 for a proposed building depth of 36.74 m (120.54 ft) does not currently meet the four tests. Consequently, staff recommend that the application be deferred to provide the Applicant an opportunity to work with the City to address staff and resident concerns regarding the overall massing, scale, and size of the building as it relates to the proposed building depth. Staff recommend that the Committee consider public input in reaching a decision.

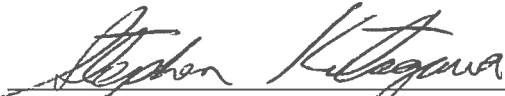
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

PREPARED BY:



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REVIEWED BY:



Stephen Kitagawa, Acting-Development Manager, West District

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