

Memorandum to the City of Markham Committee of Adjustment

February 03, 2020

File: A/008/20
Address: 32 Billy Joel Cres – Markham, ON
Applicant: Keith Law & Caralen Law
Agent: SH Design
Hearing Date: Wednesday February 19, 2020

The following comments are provided on behalf of the East Team. The Applicant is requesting relief from the following Residential (R1) Zone requirements of By-law 1229, as amended, to permit:

a) Section 11.1:

a minimum rear yard setback of 10 ft 7 in, whereas the By-law requires a minimum rear yard setback of 25 ft.

This variance relates to a proposed one-storey addition and deck in the rear yard.

BACKGROUND

Property Description

The 814.29 m² (8,764.72 ft²) subject property is located on the west side of the inner circle of Billy Joel Crescent (Appendix "A"). More generally, the subject property is south of Highway 7 East, east of Main Street Markham South, and north of Highway 407. The property is developed with an existing 199.16 m² (2,143.74 ft²) one-storey single detached dwelling. Mature trees exist on the front yard, and neighbouring tree canopies which appear to overhang into the rear yard of the property. Within the context of the neighbourhood, the subject lot can be described as wide and shallow having a frontage of approximately 30.48 m (100 ft). The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

Proposal

The Applicant is proposing to construct a 50.17 m² one-storey addition to the detached dwelling and 29.73 ft² wood deck in the rear yard of the property.

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and 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, which includes variances, infill development is required to meet the general intent of these development criteria.

Zoning By-Law 1229

The subject property is zoned Residential (R1) Zone under By-law 1229, as amended, which permits single detached dwellings. The proposed one-storey addition does not comply with the minimum required rear yard setback of 25 ft (7.62 m).

Applicant's Stated Reasons for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is because,

1. *"The owner requires a one storey addition to accommodate greater familial living space and needs; and*
2. *Additional space is required on the same floor as the children are young and require supervision."*

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a ZPR on December 19, 2019 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.

Reduction in Rear Yard Setback

The Applicant is requesting a minimum rear yard setback of 10 ft 7 in (3.23 m), whereas the By-law requires a minimum rear yard setback of 25 ft (7.62 m). This is a reduction of 14 ft 5 in (4.39 m). The variance is attributable to the proposed one-storey addition to the existing single detached dwelling.

The subject property and surrounding properties within the "inner ring" of Billy Joel Crescent can be described as wide-shallow lots which have a common characteristic of smaller rear yards (Appendix "A"). The existing dwellings are clustered in close proximity and situated closer to the rear lot line than those lots located on the "outer ring" which are more narrow and deep. The existing dwelling on the subject property has a rear yard setback of approximately 14 ft 5 in (4.39 m) which does not comply with the required rear yard setback. There is no record of a past variance to permit the existing non-complying rear yard setback. The proposed addition however will maintain the established building line of the existing dwelling. Considering the addition is only one-storey in height, staff are of the opinion the requested variance will result in minimal impact to adjacent properties and that the proposal is an appropriate development for the subject property.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 4, 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.

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 objection. 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" – Aerial Photo, Billy Joel Crescent Parcel Fabric

Appendix "B" – Conditions

Appendix "C" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

File Path: Amanda\File\ 20 107191 \Documents\District Team Comments Memo

APPENDIX "A"

AERIAL PHOTO – BILLY JOEL CRESCENT PARCEL FABRIC



57.3 0 28.65 57.3 Meters

NAD_1983_UTM_Zone_17N
© City of Markham

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/008/20

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 plans attached as Appendix "C" to this Staff Report and received by the City of Markham on January 22, 2020, 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.

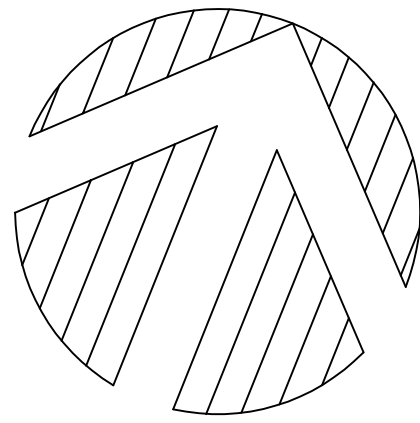
CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX “C”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/008/20



- SITE DATA & INFORMATION

SITE PLAN SHOWING
PLAN OF SURVEY
LOT 19 & 21
REGISTERED PLAN NO. 5879
VILLAGE OF MARKHAM
COUNTY OF YORK

ALL SITE PLAN INFORMATION IS TAKEN FROM
SERVEYOR'S FRED SCHAEFFER O.L.S
DATED MAY 1962

- SITE SPECIFICATIONS

LOT AREA = 8,764.72 sq.ft. (814.29 sq.m)

- LOT COVERAGE CALCULATIONS

EXISTING DWELLING (includes garage) = 2,143.79 sq.ft. (199.16 sq.m)

FRONT PORCH ENCLOSURE = 80.71 sq.ft. (7.50 sq.m)
EXIST. ROOF AT SIDE (side door @ interlock patio) = 61.0 sq.ft. (5.67 sq.m)

PROPOSED REAR ADDITION = 540.0 sq.ft. (50.17 sq.m)

TOTAL = 2,825.50 sq.ft. (262.50 sq.m)

proposed 32.25% required 35%

NET FLOOR AREA (7,682.36 sq.ft.) (713.72 sq.m)

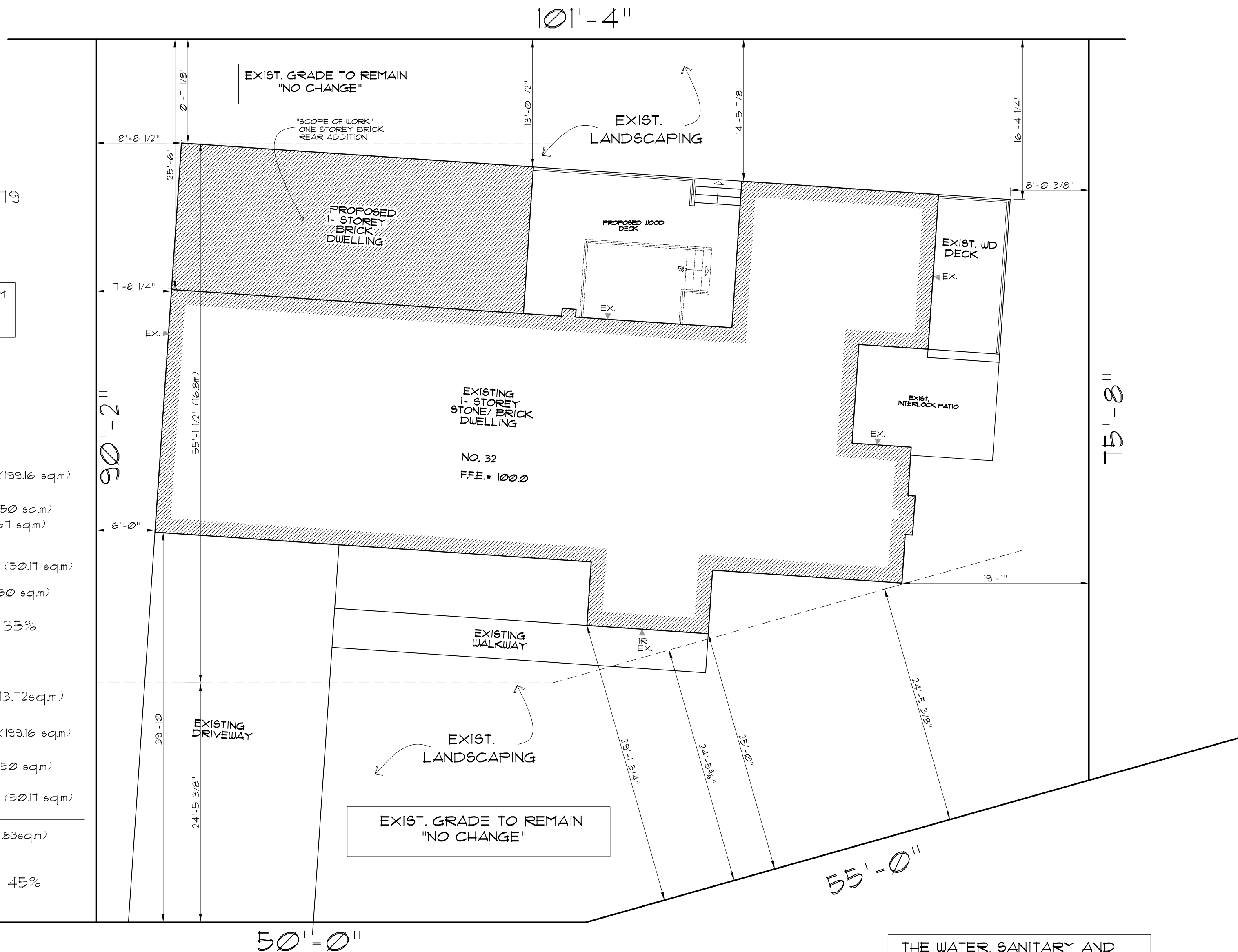
EXISTING DWELLING (includes garage) = 2,143.79 sq.ft. (199.16 sq.m)

FRONT PORCH ENCLOSURE = 80.71 sq.ft. (7.50 sq.m)

PROPOSED REAR ADDITION = 540.0 sq.ft. (50.17 sq.m)

TOTAL = 2,764.50 sq.ft. (256.83 sq.m)

proposed 35.98% required 45%



BILLY JOEL CRES.

THE WATER, SANITARY AND
STORM SERVICES TO REMAIN
THE SAME

NO.	REVISIONS	DATE
1	ISSUED FOR ZONING REVIEW	DEC. 02, 2019

SH DESIGN
YOUR VISION, OUR EXPERTISE
DESIGN, CONSULTATIONS, DRAFTING
- RESIDENTIAL DESIGNS
- CUSTOM HOMES
- ADDITIONS & RENOVATIONS
SAMIR HINNAWI
Cell: (416) 414-9176
Email: shdesign@rogers.com

ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT
AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN
PART WITHOUT WRITTEN CONSENT FROM THE DESIGNER.
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS
BEFORE COMMENCING WORK AND TO REPORT ANY
DISCREPANCIES TO THE DESIGNER.
DO NOT SCALE DRAWINGS.

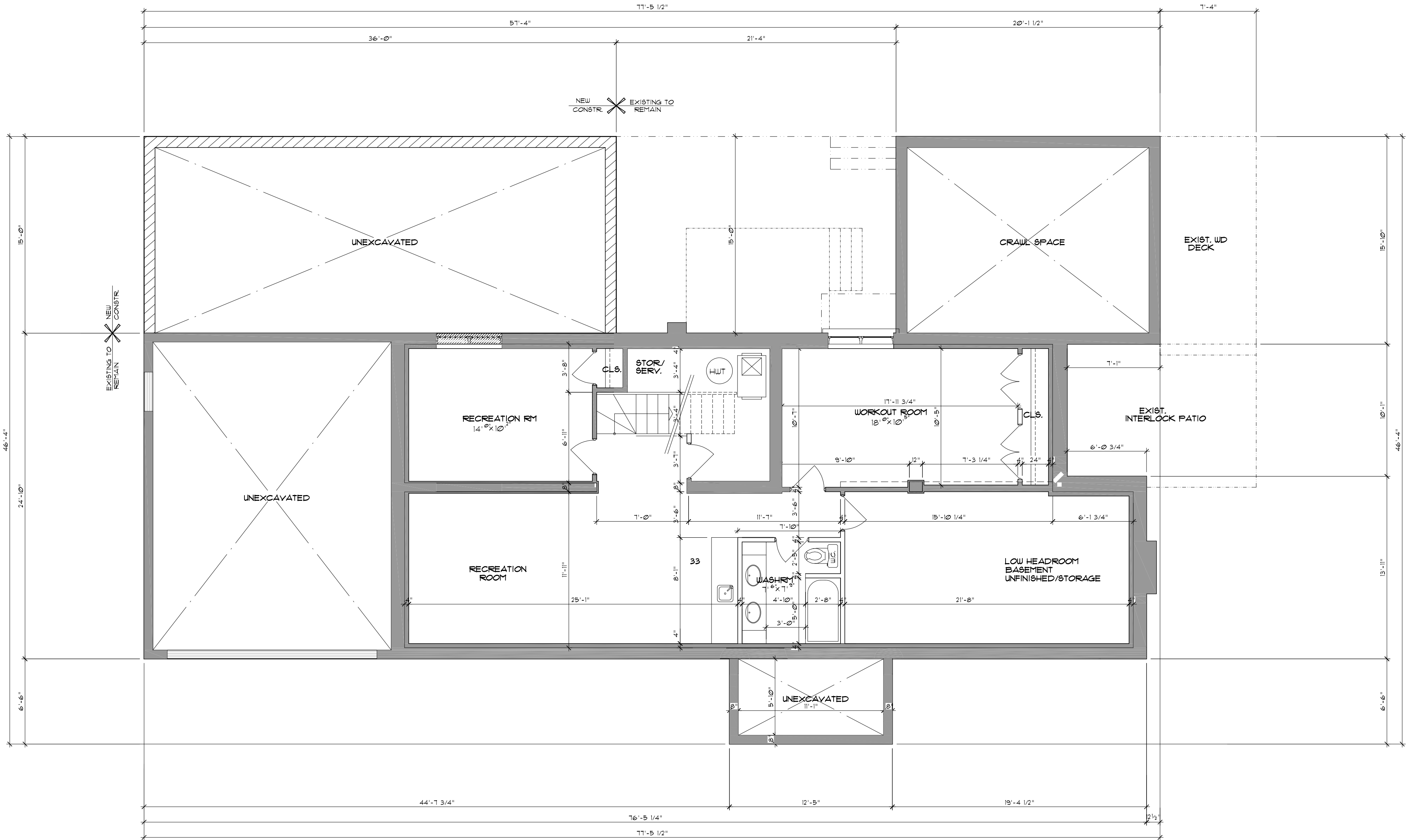
PROPOSAL IS TO CONSTRUCT 1-STORY
REAR ADDITION (BEHIND GARAGE),
& ENLARGE EXISTING WOODEN DECK.

LAW RESIDENCE

32 BILLY JOEL CRES
MARKHAM, ONTARIO

EXISTING/PROPOSED
SITE PLAN

DRAWN BY:	CHECKED BY:	SHEET S.P.
DATE	SCALE 1/8" = 1'-0"	FILE



EXISTING WALLS TO BE DEMOLISHED, PATCH & FILL (AS REQUIRED)

EXISTING WALLS TO REMAIN (DO NOT DISTURB) (AS REQUIRED)

NEW ADDITION AS SPECIFIED

EXISTING/ PROPOSED
BASEMENT PLAN

NO.	REVISIONS	DATE
1	ISSUED FOR ZONING REVIEW	DEC. 02, 2019

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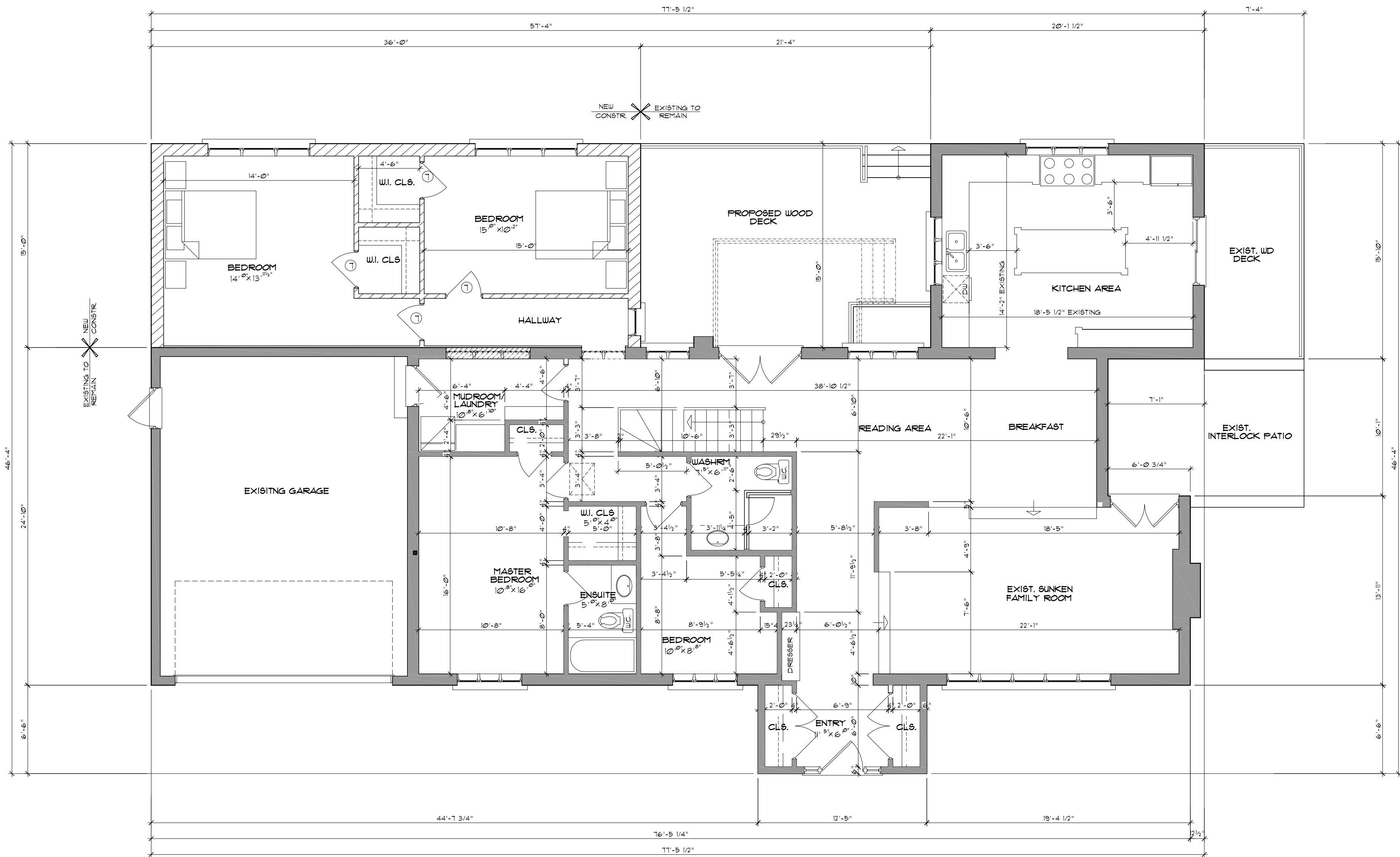
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PROPOSAL IS TO CONSTRUCT 1-STORY REAR ADDITION (BEHIND GARAGE) & ENLARGE EXISTING WOODEN DECK

LAW RESIDENCE
32 BILLY JOEL CRES
MARKHAM, ONTARIO

EXISTING/PROPOSED
BASEMENT FLOOR PLAN

DRAWN BY:	CHECKED BY:	SHEET A-1
DATE	SCALE 3/16" = 1'-0"	FILE



EXISTING WALLS TO BE
DEMOLISHED, PATCH & FILL
(AS REQUIRED)

EXISTING WALLS TO
REMAIN (DO NOT DISTURB)
(AS REQUIRED)

NEW ADDITION
AS SPECIFIED

EXISTING/ PROPOSED FIRST FLOOR PLAN

NO.	REVISIONS	DATE
1	ISSUED FOR ZONING REVIEW	DEC. 02, 2019

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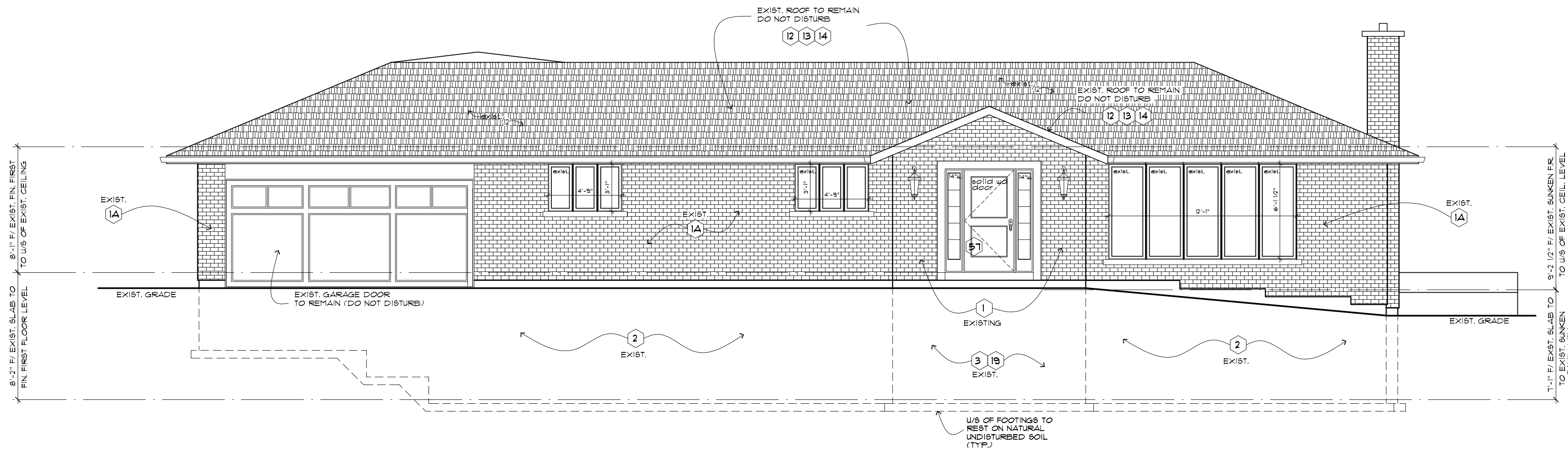
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ADDITION (BEHIND GARAGE)
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MARKHAM, ONTARIO

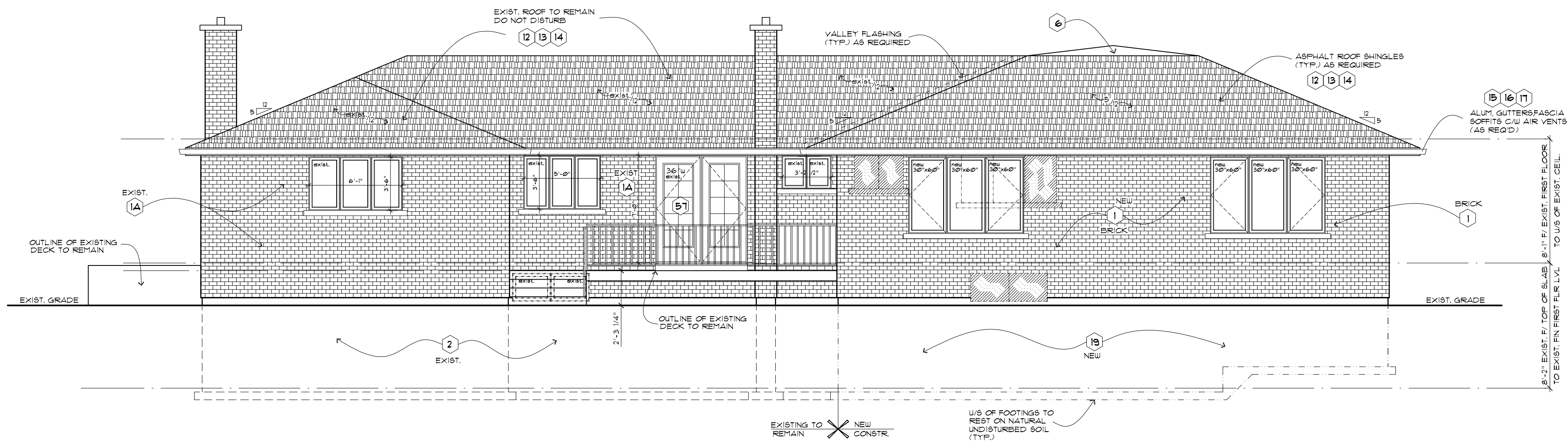
EXISTING/PROPOSED FIRST FLOOR PLAN

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DATE	SCALE 3/16" = 1'-0"	FILE



EXISTING/ PROPOSED
FRONT ELEVATION

FRONT ELEVATION - SB-12
WALL AREA = 66.1 sq.m (711.37 sq.ft.)
WINDOW GLASS AREA = 11.04 sq.m (118.85 sq.ft.)



REAR ELEVATION - SB-12
WALL AREA = 78.11 sq.m (840.75 sq.ft.)
WINDOW GLASS AREA = 12.93 sq.m (139.13 sq.ft.)

EXISTING/ PROPOSED
REAR ELEVATION

NO.	REVISIONS	DATE
1	ISSUED FOR ZONING REVIEW	DEC. 02, 2019

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PROPOSAL IS TO CONSTRUCT 1-STORY REAR ADDITION (BEHIND GARAGE) & ENLARGE EXISTING WOODEN DECK

LAW RESIDENCE

32 BILLY JOEL CRES
MARKHAM, ONTARIO

EXISTING/PROPOSED
FRONT & REAR
ELEVATIONS

DRAWN BY:	CHECKED BY:	SHEET
		A-4
DATE	SCALE	FILE
	3/16" = 1'-0"	



WALL AREA = 45.65 sq.m (491.39 sq.ft.)
WINDOW GLASS AREA = 6.5sq.m (70sq.ft.)



WALL AREA = 41.90 sq.m (451.01 sq.ft.)
WINDOW GLASS AREA = 1.63sq.m (17.5sq.ft)

DRAWN BY:	CHECKED BY:	SHEET A-5
DATE	SCALE 3/16" = 1'-0"	FILE