

## **Memorandum to the City of Markham Committee of Adjustment**

February 09, 2018

**File:** A/03/18  
**Address:** 48 Steele Valley Road, Thornhill  
**Applicant:** Hing Pui Poon & Gally Chung Poon  
**Agent:** Justin Poon  
**Hearing Date:** Wednesday February 21, 2018

The following comments are provided on behalf of the West Team. The applicant is requesting relief from the following requirements of By-law 1767 GR, as amended:

- a) **Amending By-law 100-90; Section 1.2(i):**  
a maximum building height of 10.48 metres; whereas, the Bylaw permits a maximum flat roof building height of 8.0 metres;
- b) **Amending By-law 100-90; Section 1.2(iii):**  
a maximum building depth of 23.42 metres; whereas, the By-law permits a maximum building depth of 16.8 metres;
- c) **Section 20(i)(c):**  
a minimum front yard setback of 46 feet 6 inches; whereas, the By-law permits a minimum front yard setback of 50 feet;

as it relates to a proposed addition to an existing residential dwelling.

### **Property Description**

The 2,813.38 m<sup>2</sup> (30,282.97 ft<sup>2</sup>) subject property is located on the north side of Steele Valley Road, north of Steeles Avenue and west of Bayview Avenue. Mature vegetation is a predominant characteristic of the neighbourhood. The surrounding area is comprised of large detached dwellings on large lots. There is an existing 609.79 m<sup>2</sup> (6,563.72 ft<sup>2</sup>) two-storey detached dwelling on the property that was constructed in 1989. Vehicular access is currently provided via a circular driveway from Steele Valley Road.

### **Proposal**

The applicant is proposing to construct a 371.24 m<sup>2</sup> (3,996 ft<sup>2</sup>) two-storey addition to the existing dwelling, which includes approximately 111.79 m<sup>2</sup> (1,203.29 ft<sup>2</sup>) on the ground floor and 259.45 m<sup>2</sup> (2,792.7 ft<sup>2</sup>) on the second floor. Consequently, the total gross floor area of the dwelling will be increased to 981.03 m<sup>2</sup> (10,559.71 ft<sup>2</sup>). The proposal includes a minor reconfiguration of the existing circular driveway to accommodate the proposed addition. Three trees in the front yard are proposed to be removed. The applicant will be required to work with the City's Tree Preservation Technician to provide tree replacement and/or compensation in accordance with the City's Streetscape Manual (2009) prior to the issuance of a building permit

2014 Official Plan (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17, Nov 24/17)

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street.

Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

#### Zoning By-Law

The subject property is zoned GR- Greenbelt Residential under By-law 1767, as amended, which permits single detached dwellings. The proposed dwelling does not comply with the by-law with respect to front yard setback.

#### Residential Infill Zoning By-law

The subject property is also subject to the Residential Infill Zoning By-law 100-90. 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 building height and building depth.

#### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, *"We are requesting a variance for the maximum building height for a flat roof building because in order to have an average interior ceiling height of 10.5 ft, which has become more or less the norm for modern homes of this size, the building height would exceed the maximum height of 8 m allowed by the by-law. This takes into account the height required for the appropriate truss structures for the roof, as well as the difference in elevation between the crown of road taken from the mid point of the frontage of the property, and the elevation of the floor of the main floor. The renovation plan includes expanding the garage to accommodate 4 cars and extension of the front part of the building to keep a balanced look for the building. A 4-car garage is appropriate for a home of this size. This expansion of the garage and interior floor space would result in a building depth beyond the by-law limit and a small corner of the garage cutting into the curved part of the 50 ft front yard setback line, thus the application for variance. The proposed expansion would not only enhance the desirability of this particular home but also for the whole neighbourhood."*

#### **Zoning Preliminary Review Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed addition.

#### **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 is requesting relief to permit a maximum building height of 10.48 m (34.38 ft), whereas the By-law permits a maximum building height of 8 m (26.24 ft). This represents an increase of 2.48 m (8.13 ft). The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the

street and highest point of the roof surface. The proposed grade of the front of the house is approximately 1.17 m (3.83 ft) above the crown of road.

The existing dwelling was constructed in 1989 which predates the passing of the Infill By-law. It currently has a building height of 10.22 m (33.53 ft), which already exceeds the by-law requirement by approximately 2.22 m (7.28 ft). The requested variance represents an increase of approximately 0.26 m (0.85 ft) from the existing building height.

The dwelling will maintain a distance of approximately 14.48 m (47.5 ft) from the adjacent home to the west and approximately 16.24 m (53.28 ft) from the home to the east. While three trees in the front yard are proposed to be removed, there are still a number of large mature trees at the front that will remain to provide screening for the proposed addition and reduce the visual impact on the street. Given the size of the property and the distance from adjoining homes, staff do not anticipate the variance will result in any adverse impact on the adjacent properties or the character of the street.

#### Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 23.42 m (76.83 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 6.62 m (21.71 ft). The building depth includes a 2 m (6.56 ft) two-storey bump-out at the rear which contains a portion of the kitchen on the ground floor and bedroom on the second floor.

As noted above, the existing dwelling was built prior to the passing of the by-law. The existing dwelling currently has a depth of 19.28 m (63.25 ft) which already exceeds the by-law requirement by approximately 2.48 m (8.13 ft). This means the requested variance represents a net increase in building depth of 4.14 m (13.6 ft) from the existing dwelling.

Notwithstanding the increase in building depth, the size of the proposed dwelling is comparable to other homes on Steele Valley Road. Furthermore the majority of the building will be within the prescribed building enveloped (with the exception of a small corner of the garage which will be discussed in the section below). Considering the size of the property and the relationship with the other homes on the street, staff are of the opinion that the variance is compatible with surrounding built form and have no objection.

#### Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 46.5 ft (14.17 m), whereas the By-law requires a minimum front yard setback of 50 ft (15.24 m). This represents a reduction of 3.5 ft (1.06 m). The variance only relates to a small south west portion of the ground floor addition. Given the majority of the dwelling meets the minimum front yard setback requirement, staff have no objection to the variance request.

### **PUBLIC INPUT SUMMARY**

No written submissions were received since the application as of February 9<sup>th</sup>, 2018. 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 requests meet the four tests of the Planning Act and have no objection.

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.

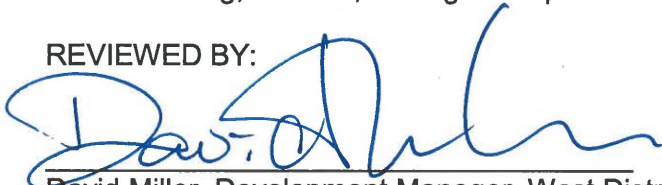
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District

File Path: Amanda\File\ 18 107302 \Documents\District Team Comments Memo



## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/03/18**

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 plan(s) attached as 'Appendix B' to this Staff Report and received on January 11, 2018 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 the Director of Planning and Urban Design or designate 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 Director of Planning and Urban Design or their designate.
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 Director of Planning and Urban Design or designate;
6. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
Carlson Tsang, Planner, Zoning and Special Projects

## ***RESIDENCE AT 48 STEELE VALLEY RD***

***MINOR VARIANCE APPLICATION***

***JANUARY 15th, 2018***

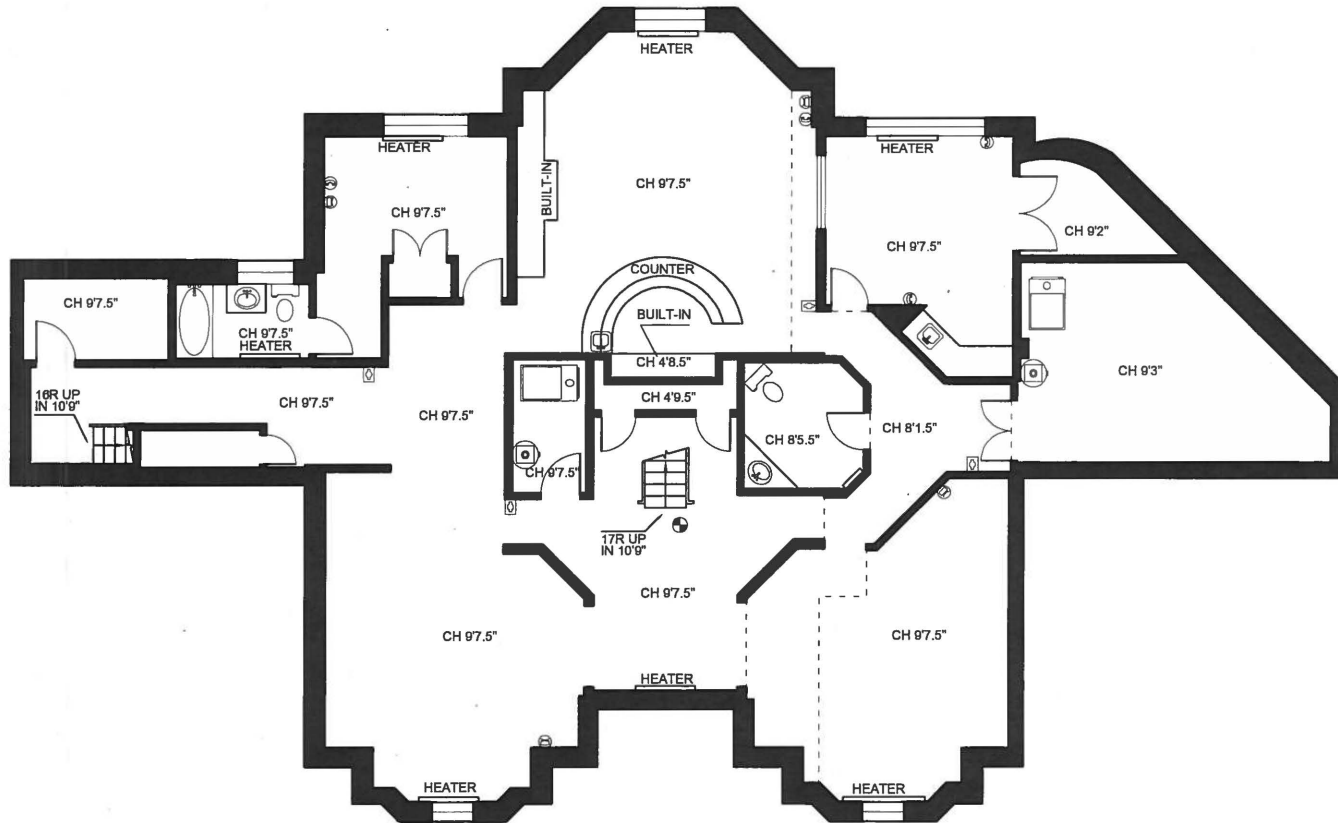


KEY MAP

	REQUIRED	PROVIDED	
FLOOR AREA RATIO	42% OF NET FLOOR AREA (Max.)	35.01%	NO

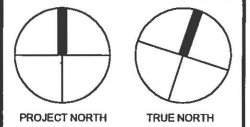
OWNER:  
Hing Poon/Gally Poon  
DRAWN BY  
H.C.  
PLOT DATE  
09/18/17  
SCALE  
As indicated

DRAWING:  
P00



PROJECT NAME  
**RESIDENCE AT 48  
STEELE VALLEY  
RD**

NO.	ISSUED	DATE
1	PRE-APPLICATION SUBMISSION	05-10-2017
2	MINOR VARIANCE APPLICATION	15-01-2018



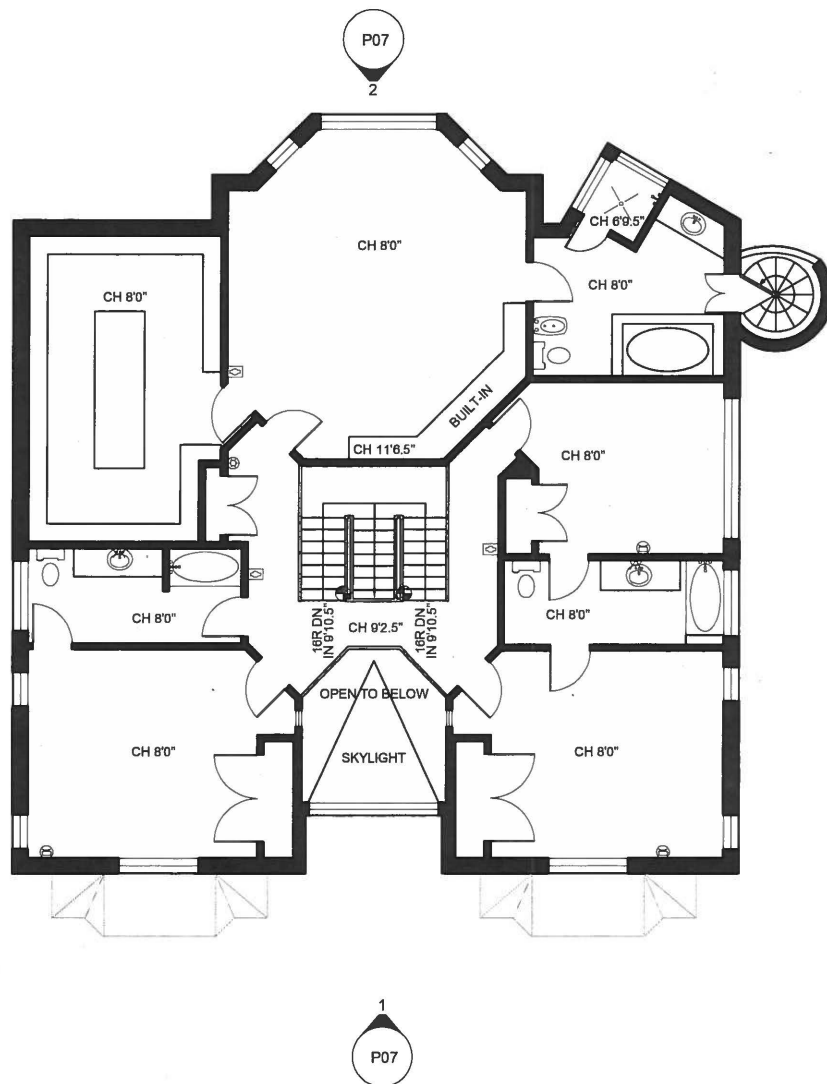
PROJECT ADDRESS  
**48 STEELE VALLEY RD**

SHEET NAME  
**EXISTING  
BASEMENT**

OWNER:  
**Hing Poon/Gally Poon**  
DRAWN BY  
**H.C.**  
PLOT DATE  
**09/17/17**  
SCALE  
**1/8" = 1'-0"**

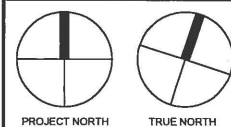
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**P02**



PROJECT NAME  
**RESIDENCE AT 48  
STEELE VALLEY  
RD**

NO.	ISSUED	DATE
1	PRE-APPLICATION SUBMISSION	05-10-2017
2	MINOR VARIANCE APPLICATION	15-01-2018

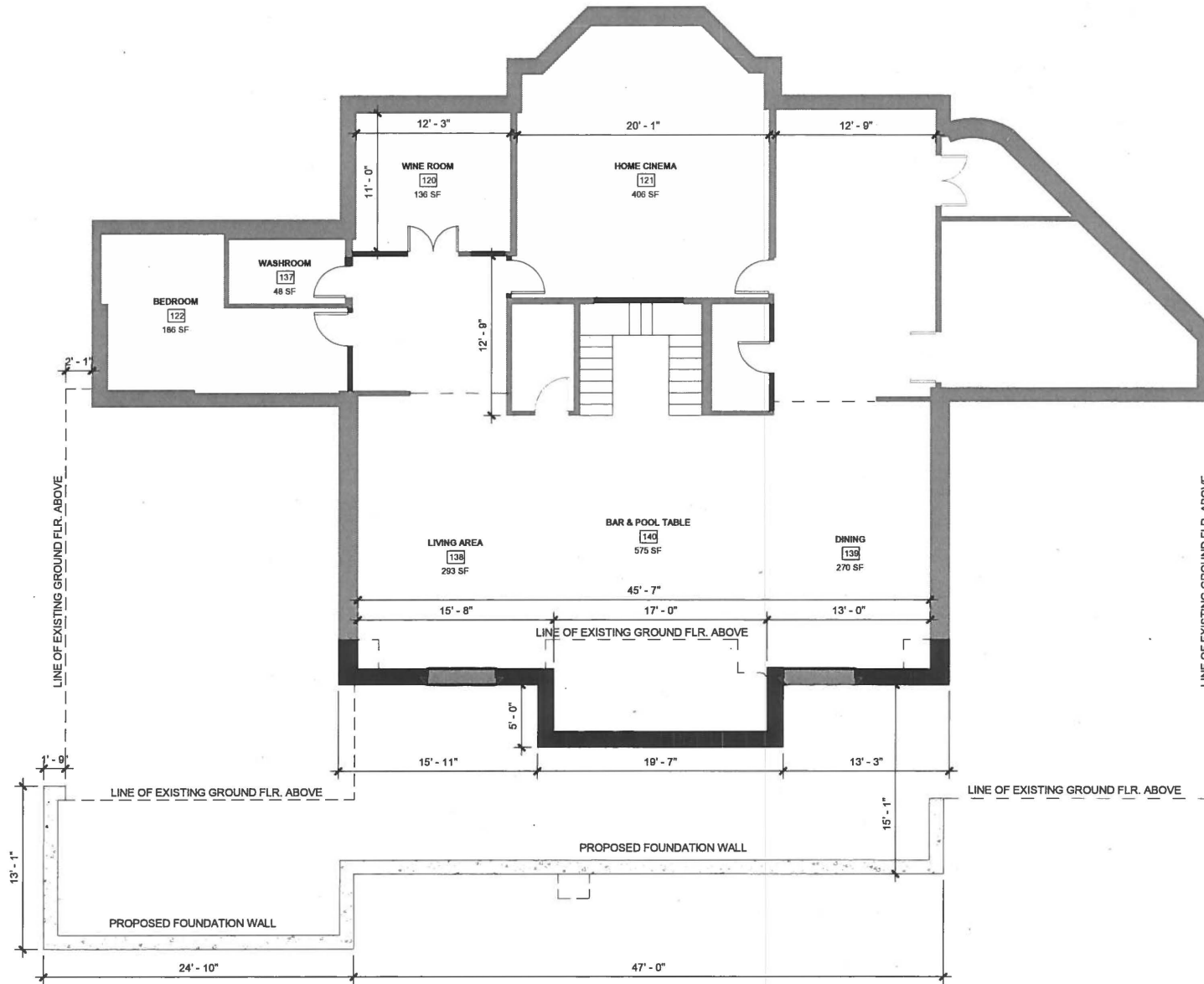


PROJECT ADDRESS  
**48 STEELE VALLEY RD**

SHEET NAME  
**EXISTING SECOND  
FLOOR PLAN**

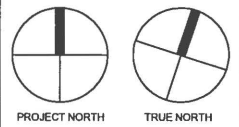
OWNER:  
**Hing Poon/Gally Poon**  
DRAWN BY  
**H.C.**  
PLOT DATE  
**09/17/17**  
SCALE  
**1/8" = 1'-0"**

DRAWING:  
**P03**



PROJECT NAME  
**RESIDENCE AT 48  
STEELE VALLEY  
RD**

NO.	ISSUED	DATE
1	PRE-APPLICATION SUBMISSION	05-10-2017
2	MINOR VARIANCE APPLICATION	15-01-2018



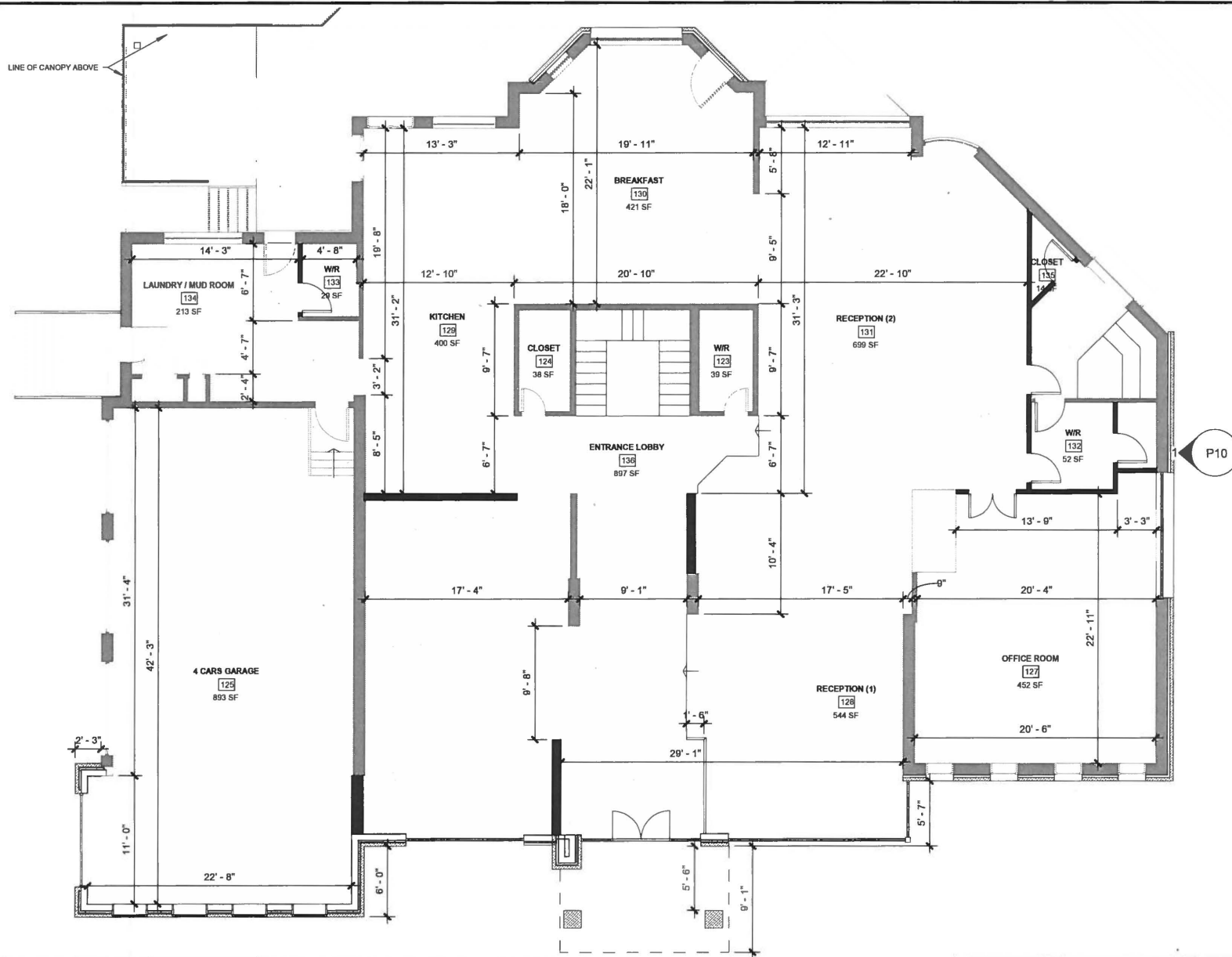
PROJECT ADDRESS  
**48 STEELE VALLEY RD**

SHEET NAME  
**PROPOSED  
BASEMENT**

OWNER:  
**Hing Poon/Gally Poon**  
DRAWN BY  
**H.C.**  
PLOT DATE  
**09/17/17**  
SCALE  
**1/8" = 1'-0"**

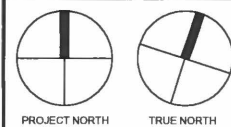
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PROJECT NAME  
**RESIDENCE AT 48  
STEELE VALLEY  
RD**

NO.	ISSUED	DATE
1	PRE-APPLICATION SUBMISSION	05-10-2017
2	MINOR VARIANCE APPLICATION	15-01-2018

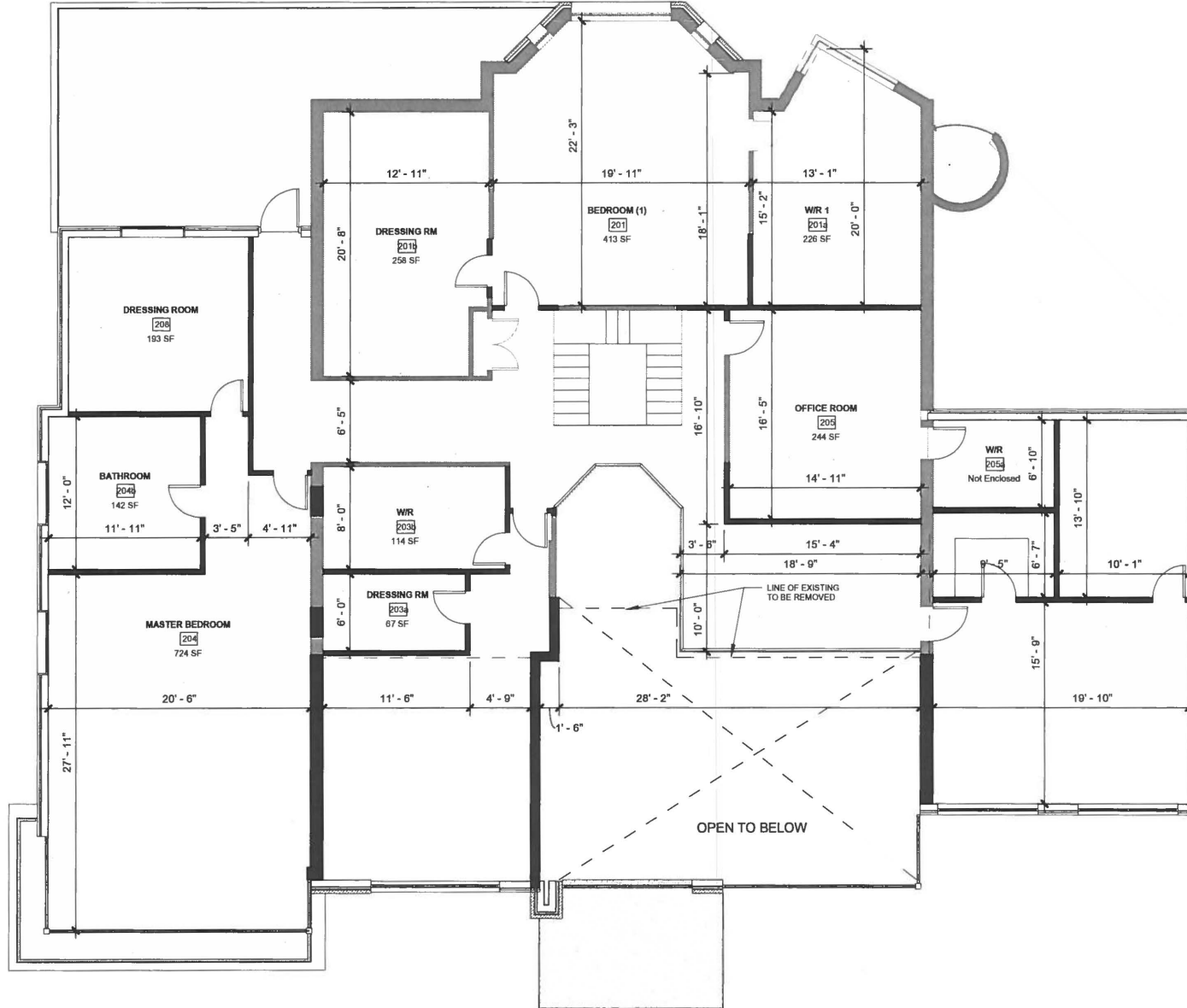


PROJECT ADDRESS  
**48 STEELE VALLEY RD**

SHEET NAME  
**PROPOSED  
GROUND FLOOR**

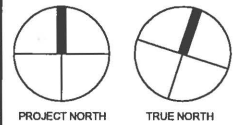
OWNER:  
**Hing Poon/Gally Poon**  
DRAWN BY  
**H.C.**  
PLOT DATE  
**09/17/17**  
SCALE  
**1/8" = 1'-0"**

DRAWING:  
**P05**



PROJECT NAME  
**RESIDENCE AT 48  
STEELE VALLEY  
RD**

NO.	ISSUED	DATE
1	PRE-APPLICATION SUBMISSION	05-10-2017
2	MINOR VARIANCE APPLICATION	15-01-2018

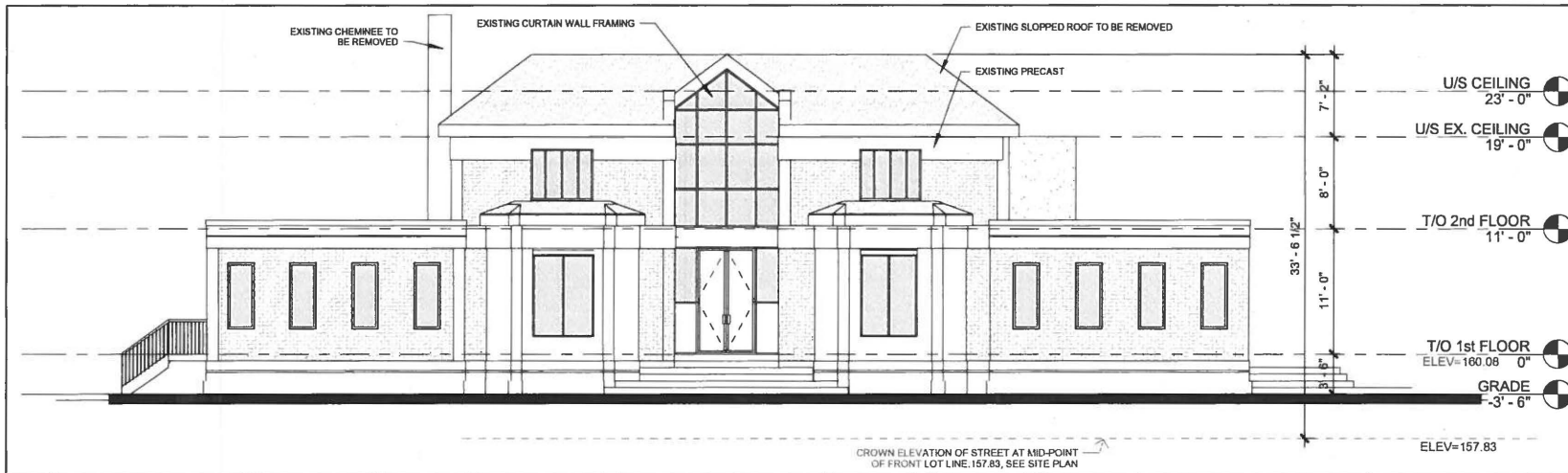


PROJECT ADDRESS  
**48 STEELE VALLEY RD**

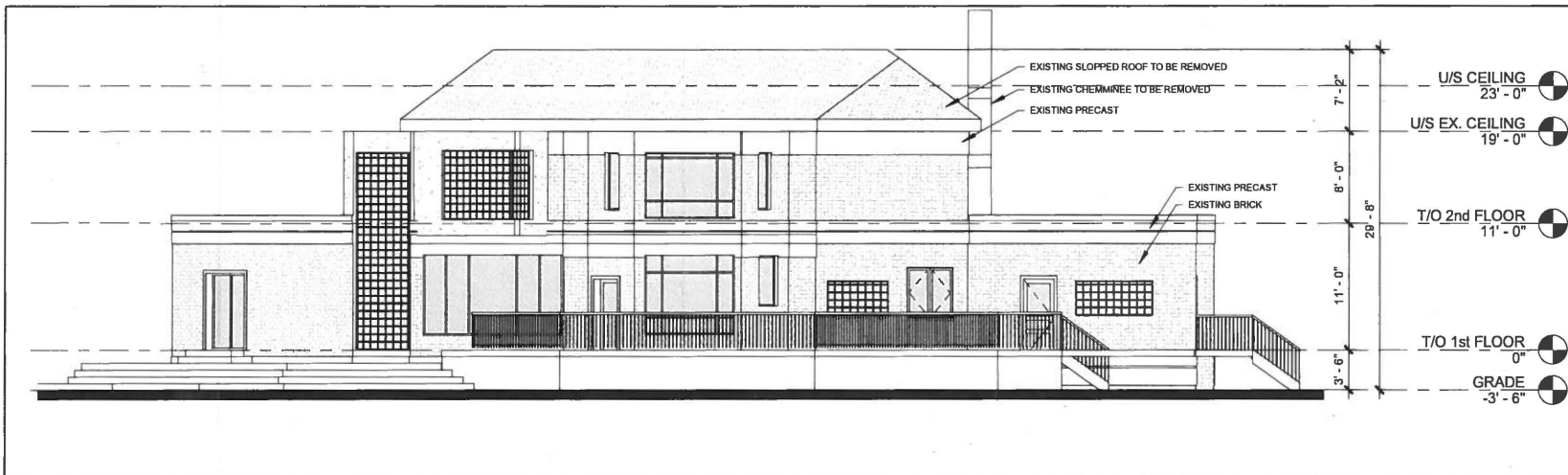
SHEET NAME  
**PROPOSED  
SECOND FLOOR**

OWNER:  
**Hing Poon/Gally Poon**  
DRAWN BY  
**H.C.**  
PLOT DATE  
**09/17/17**  
SCALE  
**1/8" = 1'-0"**

DRAWING:  
**P06**



**1 EXISTING SOUTH ELEVATION**  
P07 1" = 10'-0"



**2 EXISTING NORTH ELEVATION**  
P07 1" = 10'-0"

PROJECT NAME  
**RESIDENCE AT 48  
STEELE VALLEY  
RD**

NO.	ISSUED	DATE
1	PRE-APPLICATION SUBMISSION	05-10-2017
2	MINOR VARIANCE APPLICATION	15-01-2018

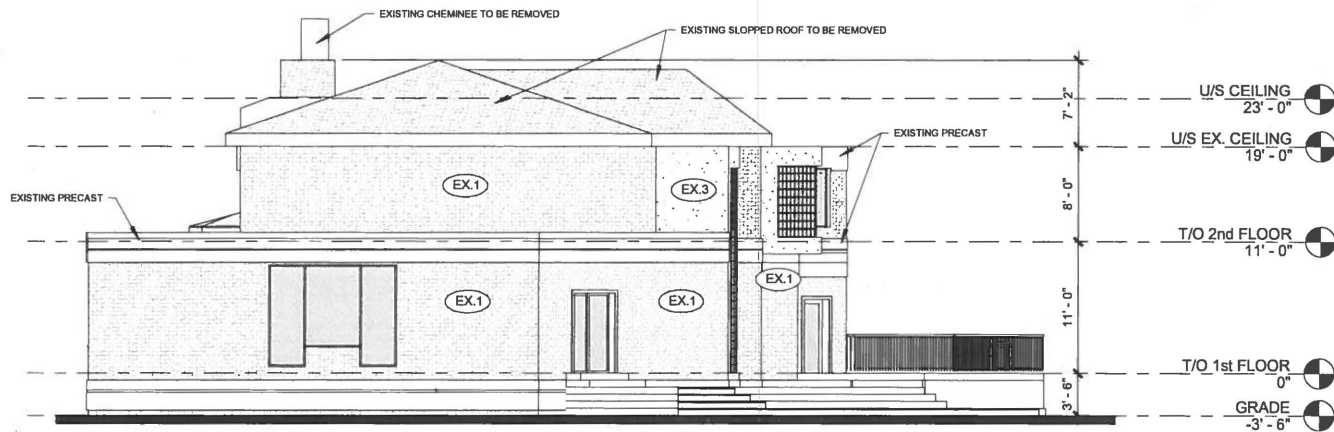
EX.1	Existing Brick
EX.2	Existing Precast concrete panels
EX.3	Existing Stucco

PROJECT ADDRESS  
**48 STEELE VALLEY RD**

SHEET NAME  
**EXISTING NORTH  
& SOUTH  
ELEVATIONS**

OWNER:  
Hing Poon/Gally Poon  
DRAWN BY  
H.C.  
PLOT DATE  
09/20/17  
SCALE  
1" = 10'-0"

DRAWING:  
**P07**



**1 EXISTING EAST ELEVATION**  
P08 1" = 10'-0"



**2 EXISTING WEST ELEVATION**  
P08 1" = 10'-0"

PROJECT NAME  
**RESIDENCE AT 48  
STEELE VALLEY  
RD**

NO.	ISSUED	DATE
1	PRE-APPLICATION SUBMISSION	05-10-2017
2	MINOR VARIANCE APPLICATION	15-01-2018

EX.1	Existing Brick
EX.2	Existing Precast concrete panels
EX.3	Existing Stucco

PROJECT ADDRESS  
**48 STEELE VALLEY RD**

SHEET NAME  
**EXISTING EAST &  
WEST  
ELEVATIONS**

OWNER:  
**Hing Poon/Gally Poon**

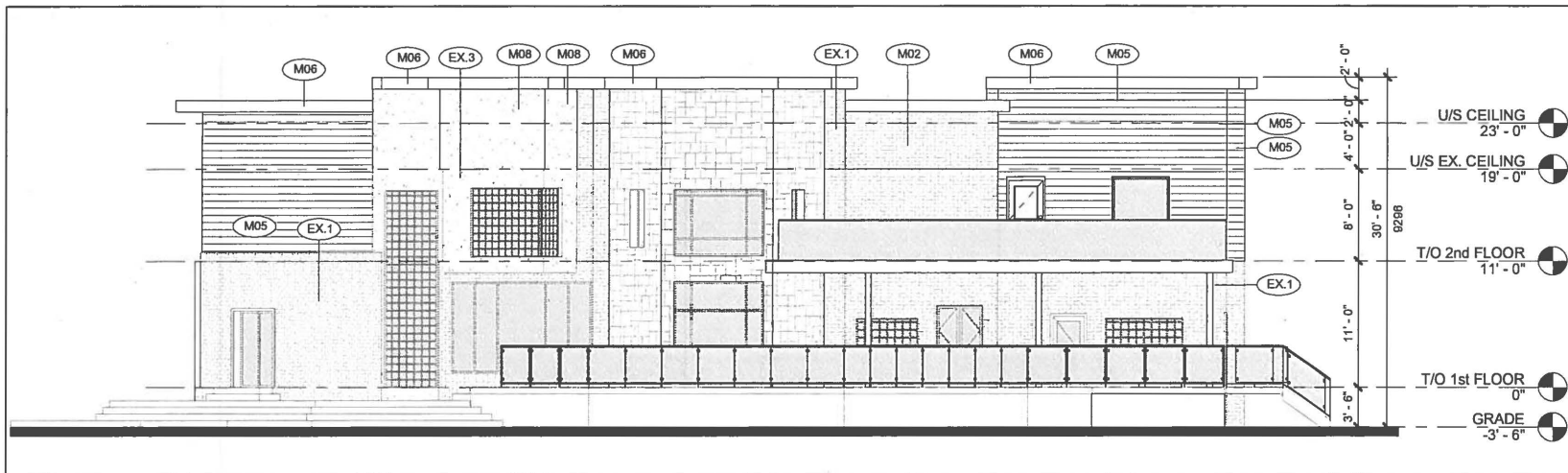
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**H.C.**

PLOT DATE  
**09/20/17**

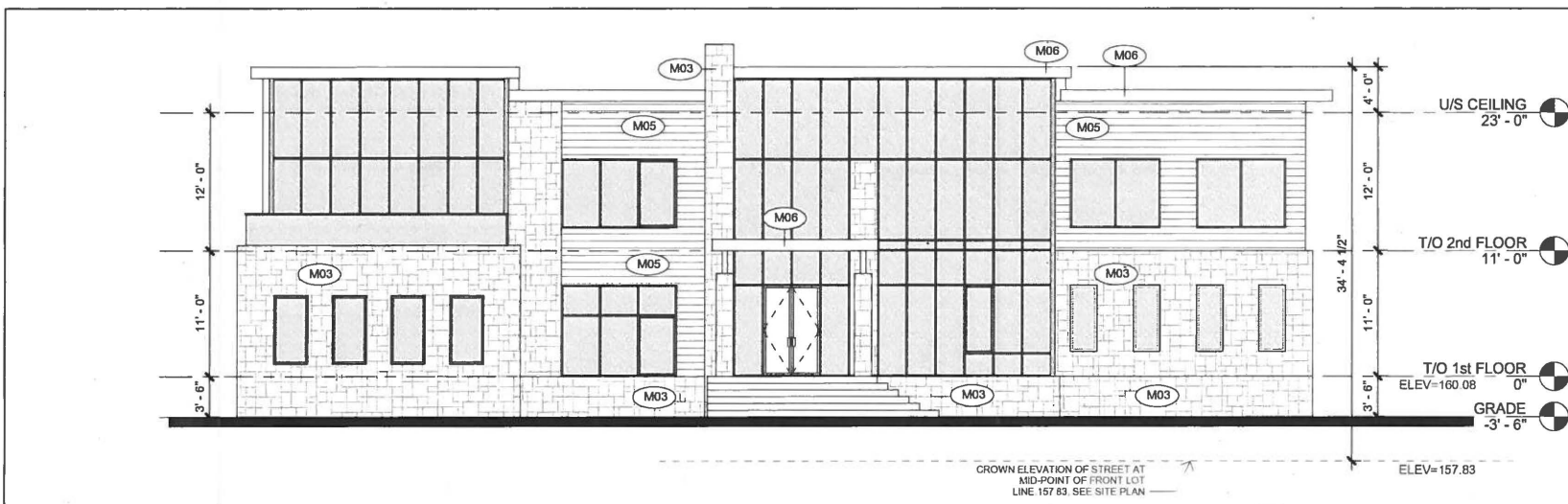
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DRAWING:

**P08**



**1 PROPOSED NORTH ELEVATION**  
P09 1" = 10'-0"



**2 PROPOSED SOUTH ELEVATION**  
P09 1" = 10'-0"

PROJECT NAME  
**RESIDENCE AT 48  
STEELE VALLEY  
RD**

NO.	ISSUED	DATE
1	PRE-APPLICATION SUBMISSION	05-10-2017
2	MINOR VARIANCE APPLICATION	15-01-2018

**MATERIAL SUMMARY**

CODE	DESCRIPTION
M01	Black Elfs
M02	New Brick to match the existing
M03	Stone Cladding
M05	Metal Wood Siding
M08	Pre-Finished Metal Flashing
M07	Wood Siding
M08	Stucco to match the existing
EX.1	Existing Brick
EX.2	Existing Precast concrete panels
EX.3	Existing Stucco

PROJECT ADDRESS  
**48 STEELE VALLEY RD**

SHEET NAME  
**PROPOSED  
NORTH & SOUTH  
ELEVATIONS**

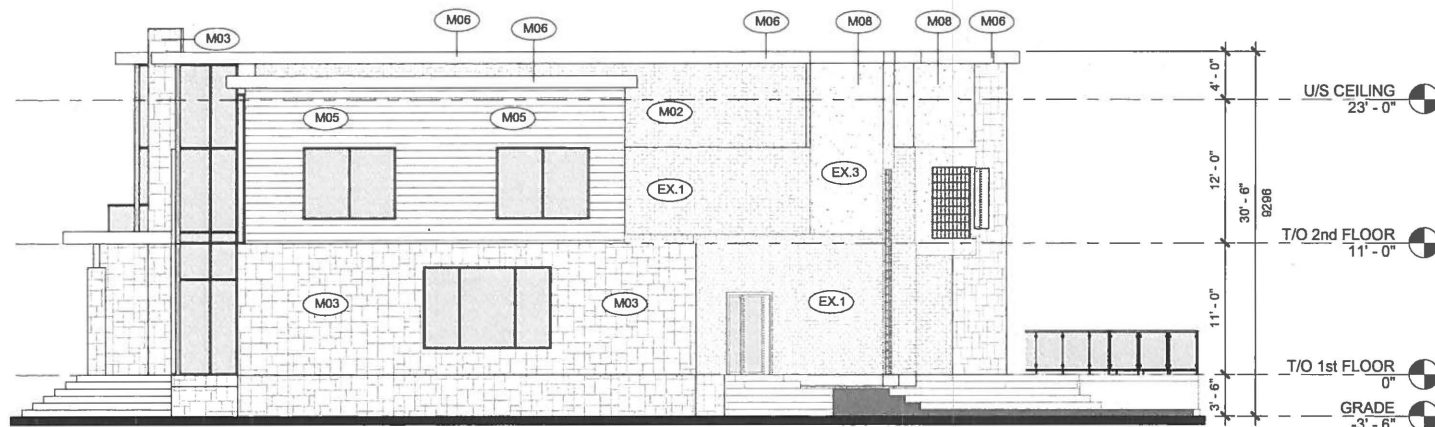
OWNER:  
**Hing Poon/Gally Poon**

DRAWN BY  
**H.C.**

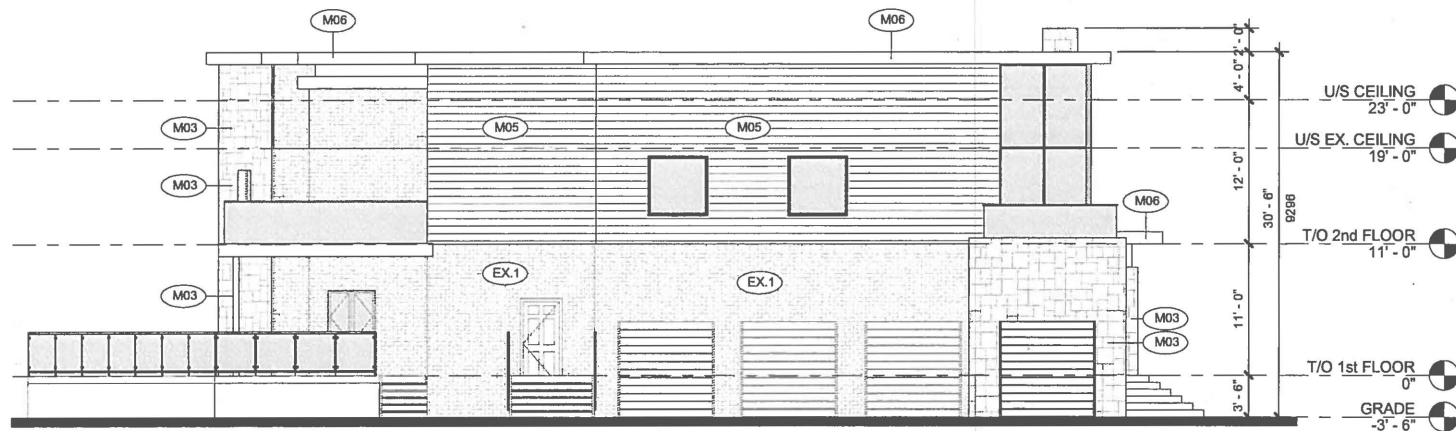
PLOT DATE  
**10/01/17**

SCALE  
**1" = 10'-0"**

DRAWING:  
**P09**



1 PROPOSED EAST ELEVATION  
P10 1" = 10'-0"



2 PROPOSED WEST ELEVATION  
P10 1" = 10'-0"

PROJECT NAME  
**RESIDENCE AT 48  
STEELE VALLEY  
RD**

NO.	ISSUED	DATE
1	PRE-APPLICATION SUBMISSION	05-10-2017
2	MINOR VARIANCE APPLICATION	15-01-2018

**MATERIAL SUMMARY**

CODE	DESCRIPTION
M01	Black Elts
M02	New Brick to match the existing
M03	Stone Cladding
M05	Metal Wood Sliding
M06	Pre-Finished Metal Flashing
M07	Wood Soffit
M08	Stucco to match the existing
EX.1	Existing Brick
EX.2	Existing Precast concrete panels
EX.3	Existing Stucco

PROJECT ADDRESS  
**48 STEELE VALLEY RD**

SHEET NAME  
**PROPOSED EAST  
& WEST  
ELEVATIONS**

OWNER:  
**Hing Poon/Gally Poon**  
DRAWN BY  
**H.C.**  
PLOT DATE  
**10/01/17**  
SCALE  
**1" = 10'-0"**

DRAWING:  
**P10**

