

Memorandum to the City of Markham Committee of Adjustment

March 1st, 2018

File: A/09/18
Address: 15 James Speight Road, Markham
Applicant: Scott Clifford and Hinder Leblanc
Agent: David Johnston Architect Ltd. (David Johnston)
Hearing Date: Wednesday March 14, 2018

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended:

a) Table 11.1:

a minimum west side yard setback of 1.2 m (4 ft) for the two-storey portion of the dwelling, whereas the By-law requires a minimum side yard setback of 1.83 m (6 ft), as it relates to a second storey addition above the garage of the dwelling.

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

No reasons were provided on the application form.

Zoning Preliminary Review Not Undertaken

The applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been undertaken. It is the owner's responsibility to ensure that the application has accurately identified all the variances required for the proposed addition. If the variances in the 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.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 1st, 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 request meets 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:


Sally Campbell, Development Manager, East District
File Path: Amanda\File\ 18 108872 \Documents\District Team Comments Memo

APPENDIX "A"

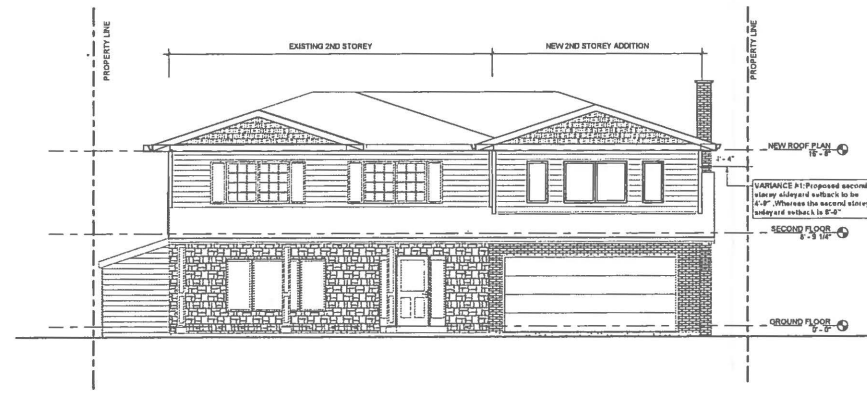
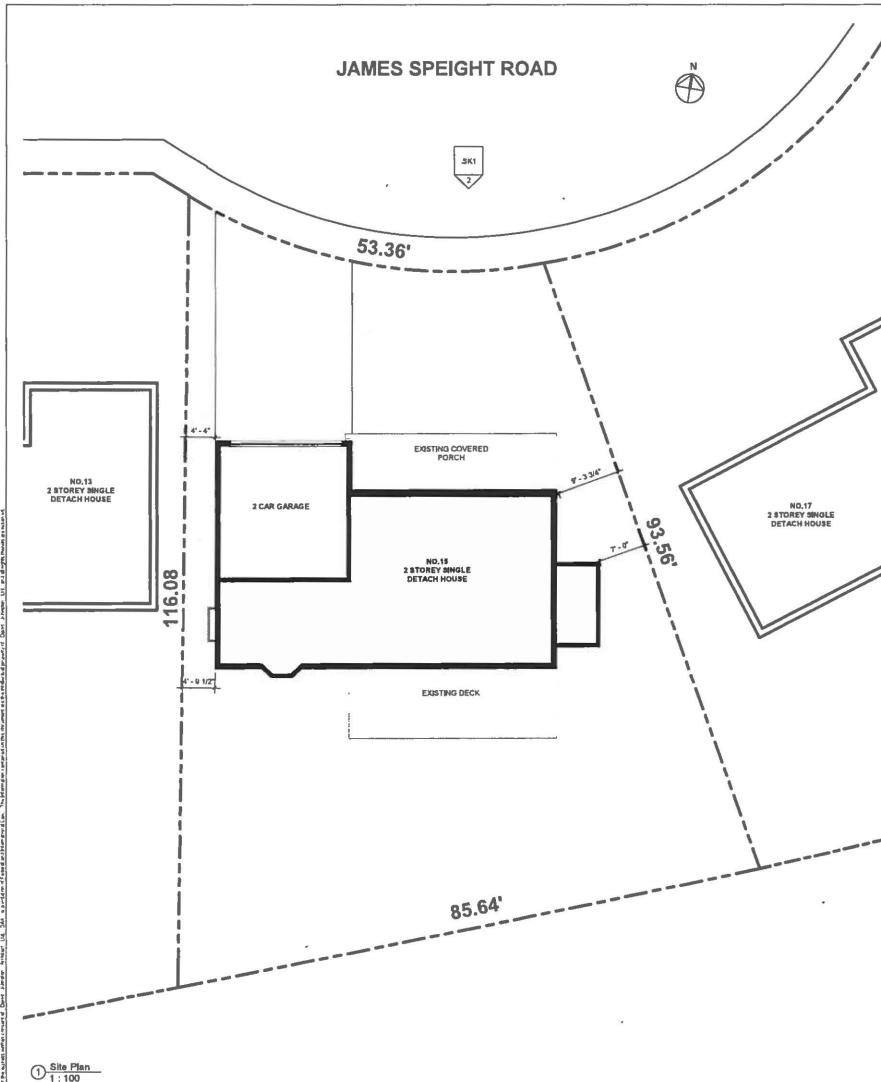
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/09/18

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 A' to this Staff Report and received on January 18th, 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;

CONDITIONS PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects



**VARIANCE #1: Proposed second storey side yard setback to be 4'-0".
Whereas the second storey side yard setback is 6'-0"**

No.	By
Date	
Description	

ADDITION TO:
15 JAMES SPEIGHT
15 James Speight Rd., Markham, ON

Rob Scott & Larkin
Hinder

DAVID JOHNSTON ARCHITECT
No. 8 Maple Lane
Uxbridge, Ontario L3R 9R2
Phone: (905) 478-1922
Fax: (905) 478-9985

PRELIMINARY DESIGN

CONTRACTOR SHALL CHECK DIMENSIONS	
By	ML
Date	2017-10-24
As Indicated	
Project Number	17027
17 Markham	
C OF A DIAGRAM	
RECEIVED	
SK1	

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SPEIGHT ROAD

