

Memorandum to the City of Markham Committee of Adjustment

February 14, 2019

File: A/10/19
Address: 96 Briarwood Rd, Markham
Applicant: Cunrui Li
Agent: AND Architecture Inc. (Sam Wu)
Hearing Date: Wednesday February 20, 2019

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following requirements of By-law 11-72, R3, as amended:

a) Section 6, Schedule B:

a minimum side yard setback of 4' 3/8' and 4' 3-1/2', whereas the By-law permits a minimum side yard setback of 6 ft;

b) Section 6, Schedule B:

a maximum building height of 28' 4-3/4', whereas the By-law permits a maximum height of 25 ft;

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

BACKGROUND

Property Description

The 696.6 m² (7,498.14 ft²) subject property is located on the south side of Briarwood Road, south of 16th Avenue and east of Warden Avenue, within the neighbourhood known as Varley Village. The neighbourhood is characterized by mature vegetation with a mix of one to two-storey single detached dwellings on lots which range in area and shape. There is an existing one-storey detached 214.8 m² (2,312.09 ft²) dwelling on the property, which according to assessment records was constructed in 1978. Mature vegetation exists across the rear of the property.

Proposal

The applicant is proposing to construct a second-storey addition on the existing one-storey detached dwelling. The proposal includes a second-storey rear yard balcony and a new front covered porch.

Official Plan and Zoning

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

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 11-72

The subject property is zoned R3 – 'Third Density Single Family Residential' in By-law 11-72, as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to maximum building height and maximum side yard setback.

Varley Village Infill Area

The subject property is within an area of the City where there is a trend to build larger houses. In response to concerns within this trend, a number of residents asked that Markham consider an infill housing by-law for the Varley Village neighbourhood. The Unionville Sub-Committee, a Committee of Council, undertook a review of this issue with community consultation, and ultimately recommend that no action be taken on an infill by-law at this time. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing by-law standards continue to apply.

Notwithstanding that an infill by-law as not adopted, the Committee should be aware of Council's and the community's concerns with regard to variances and maintaining the current standards of the Zoning By-law. Consequently, the Committee should consider public input before making a decision.

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

According to the information provided by the applicant, the reason for not complying with Zoning is, "1. By-law build height calculated from avg. grade as the grade at rear is 7' lower than the front. 2. This is an addition on existing one-storey building side yard set back is existing."

Zoning Preliminary Review (ZPR) Undertaken

The applicant submitted an incomplete Zoning Preliminary Review which confirms some variances required for the proposed development, however information was not provided for a complete review. 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.

Reduced Side Yard Setback (two-storey portion)

The applicant is requesting a minimum (east) side yard setback of 4.03 ft (1.23 m) and a minimum (west) side yard setback of 4.29 ft (1.31 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.83 m) for the two-storey portion of the dwelling.

The requested variance only applies to the new two-storey portion of the building, which the applicant proposes to construct in line with the main floor level, which complies with the minimum side yard setback requirement. Excluding the rear balcony and front covered porch, the proposed

addition maintains the existing building footprint. Engineering staff have reviewed the application and have no concern with the requested side yard setback variance respecting drainage.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 8.66 m (28.41 ft), whereas the By-law permits a maximum building height of 7.62 m (25 ft). This represents an increase of approximately 1.04 m (3.41 ft). Height is measured as an average around the building, as such the variance is necessitated by the property's grading (walkout condition at rear), which affects the average grade. The requested variance is being sought as a result of the applicant's proposal to construct an addition over the existing dwelling.

The proposed addition will maintain the existing side yard setbacks and provides a front and rear yard setbacks of approximately 11.28 m (37 ft) and 12.8 m (42 ft) respectively. The proposed addition is over the existing building, does not span the full building footprint, and provides generous front and rear yard setbacks.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 14, 2019. 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. 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.

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

PREPARED BY:


Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:


Richard Kendall, Development Manager, Central District
File Path: Amanda\Files\19 110857 \Documents\District Team Comments Memo

APPENDIX "A"

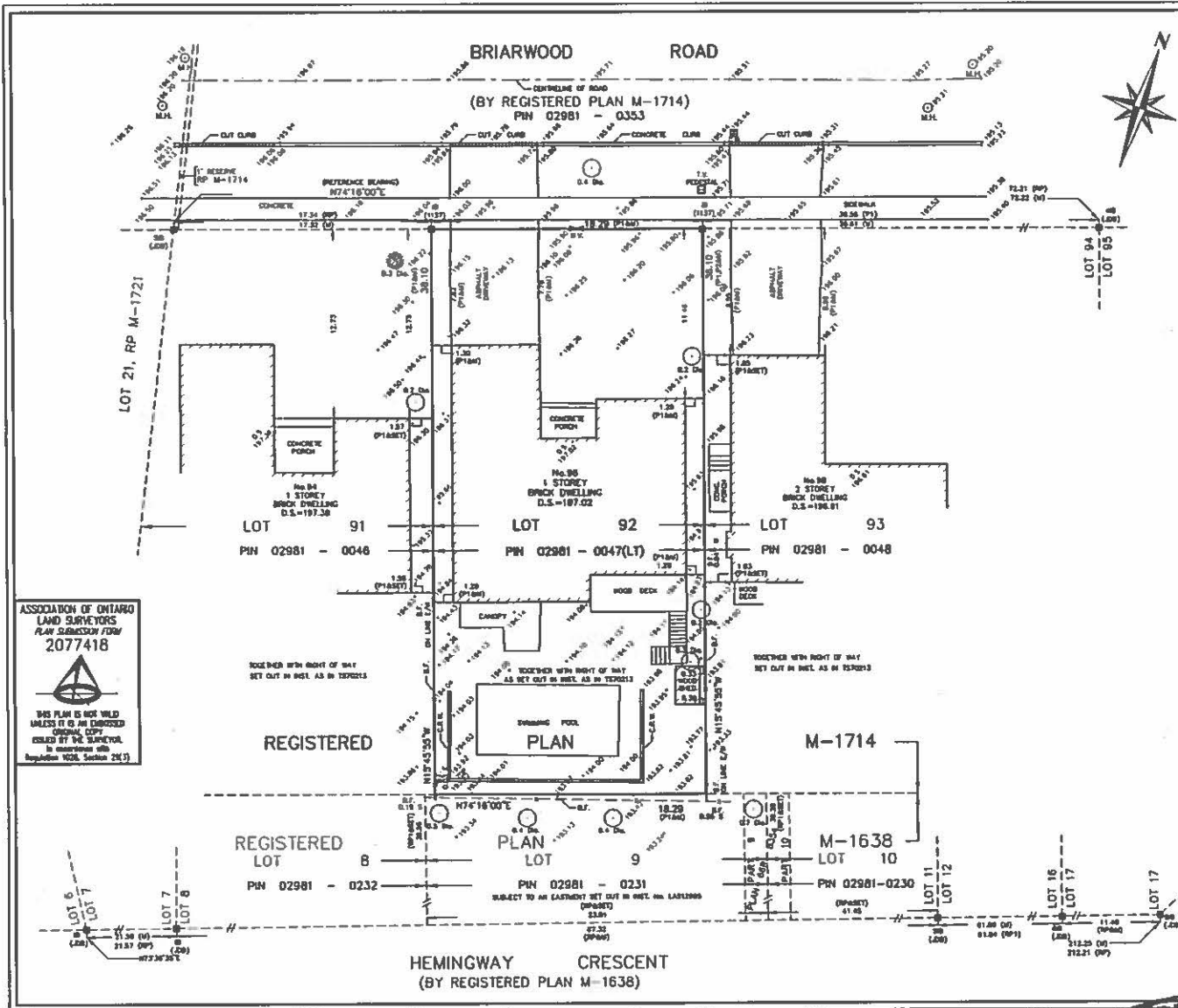
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/10/19

1. That the front covered porch and rear deck remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. 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 by the City of Markham on *January 24, 2019*, 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.
4. 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.
5. 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.
6. 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:



Aqsa Malik, Planner, Zoning and Special Projects



SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF
LOT 92
REGISTERED PLAN M-1714
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1:200
10m 5 0 10 METRES

MANDARIN SURVEYORS LIMITED, O.L.S. ©
METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048

- LEGEND**
- DENOTES MONUMENT SET
 - DENOTES MONUMENT FOUND
 - SB DENOTES STANDARD IRON BAR
 - SB DENOTES IRON BAR
 - SB DENOTES ROUND IRON BAR
 - RP DENOTES REGISTERED PLAN M-1714
 - RP DENOTES REGISTERED PLAN M-1638
 - P1 DENOTES PLAN OF SURVEY BY R.G. McGOBBON LTD., O.L.S. DATED DECEMBER 12, 1984
 - P2 DENOTES PLAN OF SURVEY BY R.G. McGOBBON LTD., O.L.S. DATED OCTOBER 5, 1979
 - PM DENOTES PROPERTY IDENTIFIER NUMBER
 - M DENOTES MEASURED
 - N.S.E.W DENOTES NORTH, SOUTH, EAST, WEST
 - B.F. DENOTES BOARD FENCE
 - 1137 DENOTES R.G. McGOBBON, O.L.S.
 - JB DENOTES J.D. BARKES LTD., O.L.S.
 - D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
 - CONC. DENOTES CONCRETE
 - U.P. DENOTES UTILITY POLE
 - W.V. DENOTES WATER VALVE
 - M.H. DENOTES MAN HOLE
 - C.B. DENOTES CATCH BASIN
 - DENOTES CONIFEROUS TREE
 - DENOTES DECIDUOUS TREE

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.
BEARINGS SHOWN HEREON ARE ASTROMONIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF BRIARWOOD ROAD AS SHOWN ON REGISTERED PLAN M-1714, HAVING A BEARING OF N74°16'00"E.

BENCHMARK NOTE
ELEVATIONS SHOWN HEREON ARE DECIDUOUS AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No.02903228, HAVING AN ELEVATION OF 183.11 METRES. BRASS CAP IN CONCRETE SIDEWALK 11m EAST OF THE CENTRELINE OF VILLAGE PARKWAY AND 50m SOUTH OF THE CENTRELINE OF RAY CRESCENT NORTH.

- PART 2 (SURVEY REPORT)**
1. REGISTERED EASEMENTS AND/OR RIGHT OF WAYS, TOGETHER WITH RIGHT OF WAY AS SET OUT IN INST. AS IN T570213
 2. ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND THE SOUTHERLY, EASTERLY AND WESTERLY LIMITS OF THE SUBJECT PROPERTY.
 3. THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

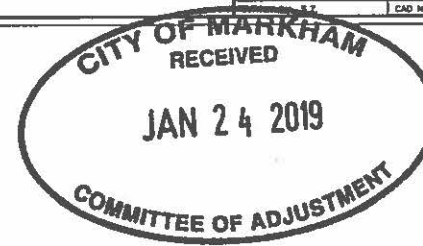
THIS REPORT WAS PREPARED FOR L. CURRAN AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 4th DAY OF JANUARY, 2019

JANUARY 11, 2019
DATE
Z. ZONG
ONTARIO LAND SURVEYOR

MANDARIN SURVEYORS LIMITED
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR
WWW.MANDARINSURVEYOR.COM
3400 MIDLAND AVENUE #121 PHONE: (647)430-1366 FAX: (647)799-4068
TORONTO, ONTARIO, M1S 1K7 E-MAIL: MANDARINSURVEYOR@GMAIL.COM
CAD No 18-40250PR JOB No 2018-402



SITE STATISTICS

ZONING CATEGORY: R3
LOT AREA: 696.6 M² (7,498 FT²)

DESCRIPTION	PERMITTED	PROPOSED	EXISTED
LOT COVERAGE	33.33% MAX.		32.57%
BUILDING HEIGHT	25 FT MAX.	28' 1 3/4"	
FRONT YARD SETBACK	27 FT MIN.		37' 7 1/2"
FRONT YARD SETBACK (GARAGE)	20 FT MIN.		25' 6 3/4"
SIDE YARD SETBACK	0 FT MIN.		4' 3/4" / 4' 3 1/4"
REAR YARD SETBACK	25 FT MIN.		42' 5 3/4"

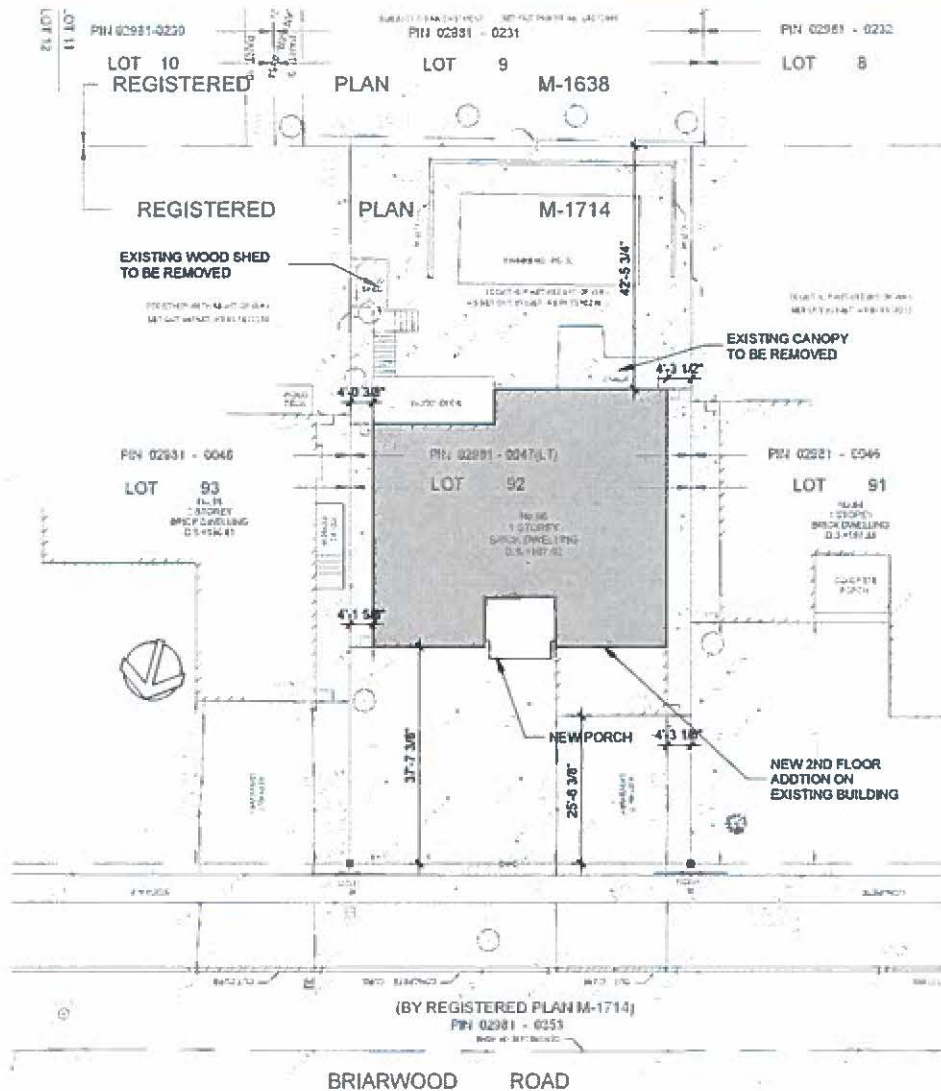
GROSS FLOOR AREA (GFA)*

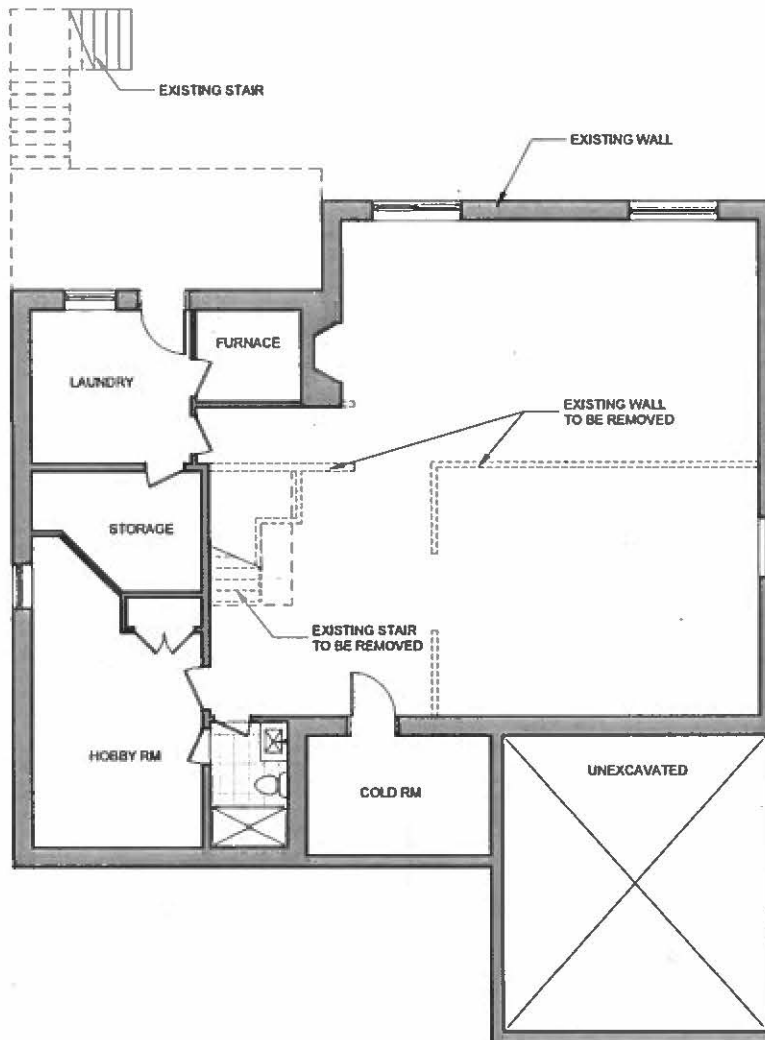
FLOOR	PROPOSED
GROUND FLOOR	2,313 FT ² (214.8m ²)
SECOND FLOOR	1,871 FT ² (173.8m ²)
TOTAL	4,184 FT ² (388.6m ²)
BASEMENT FLOOR	2,033 FT ² (188.8m ²)

* GROSS AREA DOES NOT INCLUDE BASEMENT



KEY PLAN





1 BASEMENT DEMOLISH PLAN
1/8" = 1'-0"

AREA: 188.8 M² (2,033 FT²)



AND ARCHITECTURE INC.
3000 Steeles Avenue East, Suite 100
Markham ON L3R 4T9
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www.andarchitecture.ca

Project :
DETACHED HOUSE ADDITION
96 BRIARWOOD RD MARKHAM

Drawing Name :
BASEMENT FLOOR PLAN (EXISTING)

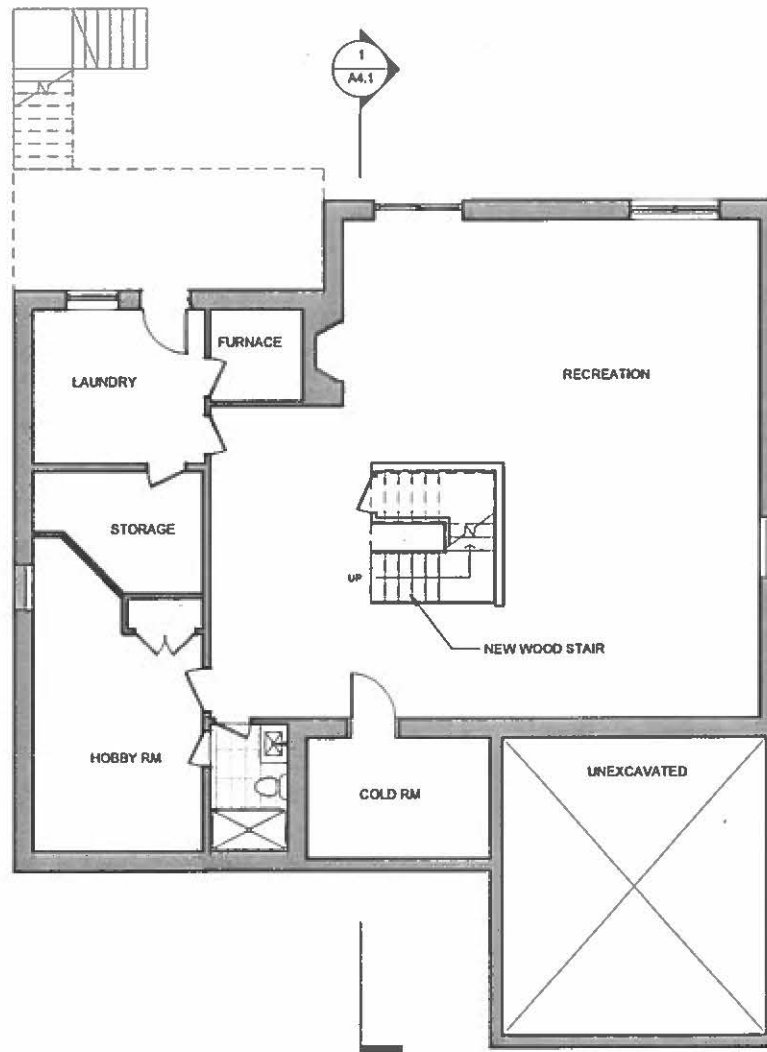
Date :
01/15/19

Scale :
1/8" = 1'-0"

Drawn by :
SW
Checked by :
HW

Project No
AND19002

Drawing No :
A2.1



① **BASEMENT PLAN**
 1/8" = 1'-0"
 AREA: 188.8 MF (2,033 FT²)



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Drawing Name :
 BASEMENT FLOOR PLAN

Date :
 01/15/19

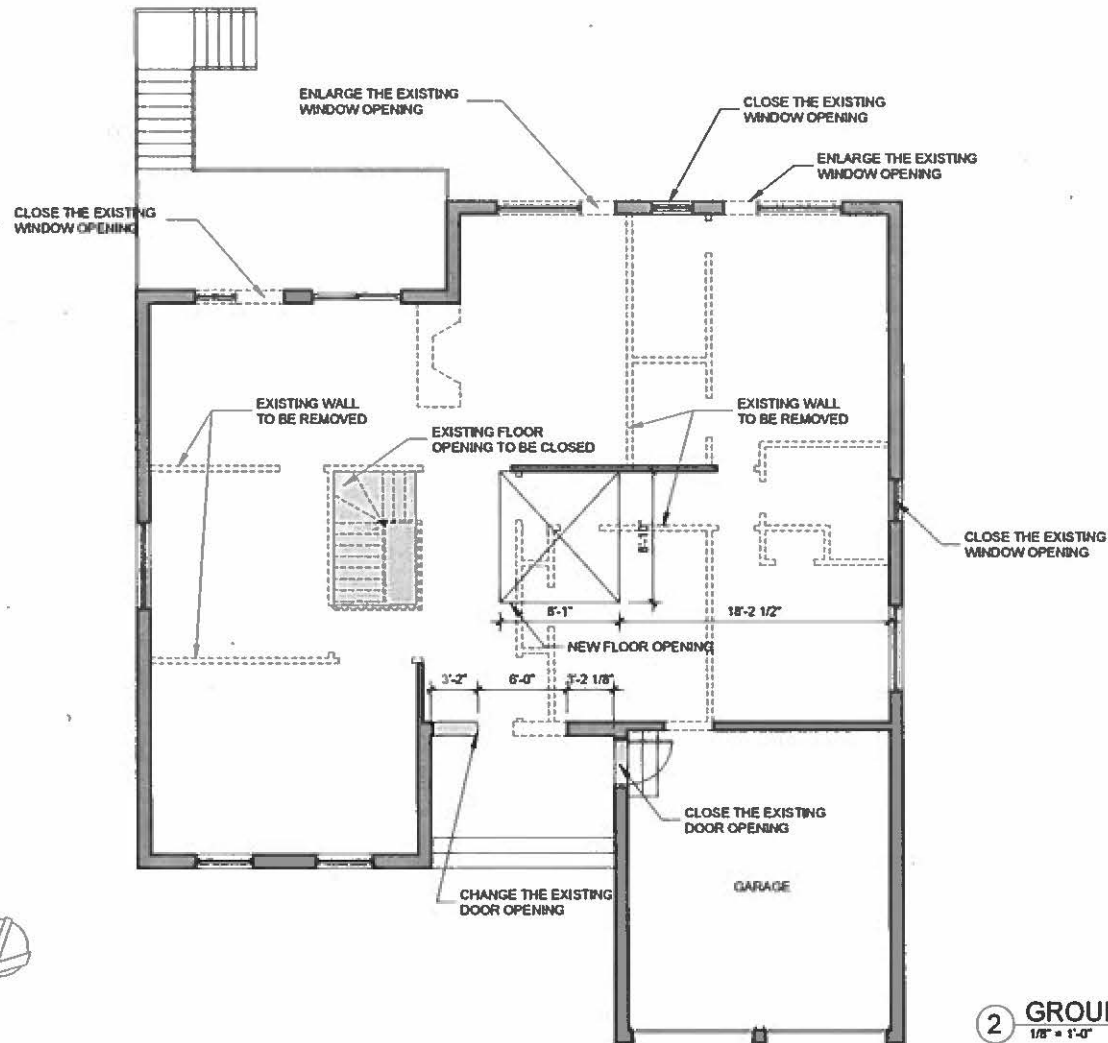
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 1/8" = 1'-0"

Drawn by :
 SW

Checked by :
 HW

Project No
 AND19002

Drawing No :
 A2.2



2 GROUND FLOOR DEMOLISH PLAN
1/8" = 1'-0"



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99 BRIARWOOD RD MARKHAM

Drawing Name :
GROUND FLOOR PLAN (EXISTING)

Date :
01/15/19

Scale :
1/8" = 1'-0"

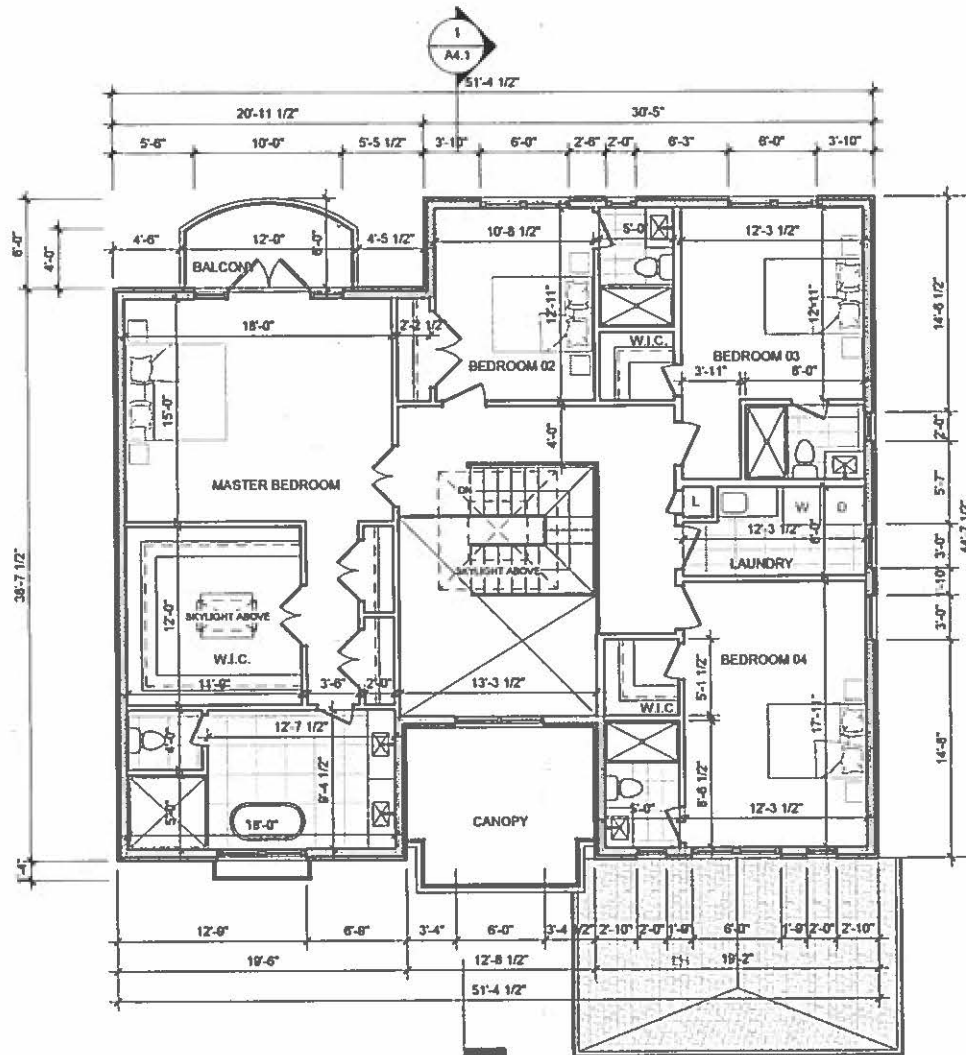
Drawn by :
SW

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Project No
AND19002

Drawing No :
A2.3





1 SECOND FLOOR PLAN
1/8" = 1'-0"
FLOOR AREA: 1,871 F² (173.8 M²)



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Project :
DETACHED HOUSE ADDITION
96 BRIARWOOD RD MARKHAM

Drawing Name :
SECOND FLOOR PLAN

Date :
01/15/19

Scale :
1/8" = 1'-0"

Drawn by :
SW

Checked by :
HW

Project No
AND19002

Drawing No :
A2.5

Project :
 DETACHED HOUSE ADDITION
 94 BRIMWOOD RD MARKHAM

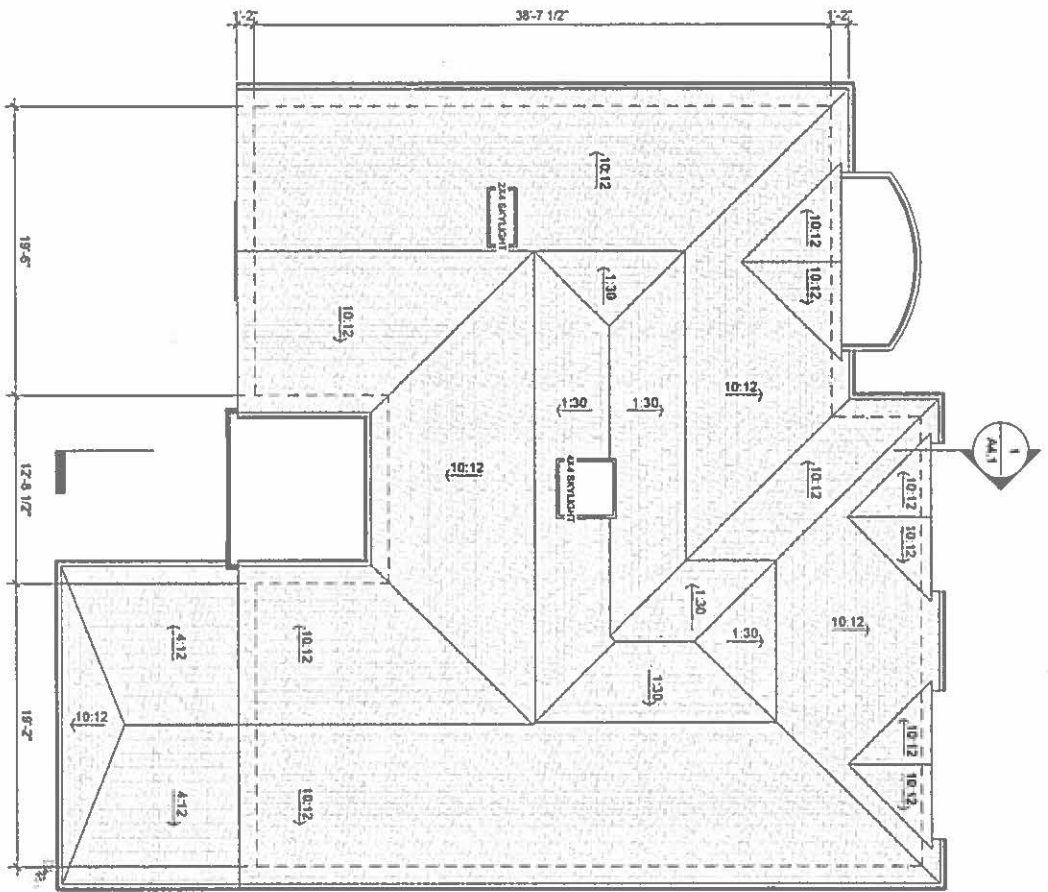
Drawing Name :
 ROOF PLAN

Date :
 01/15/19
Scale :
 1/8" = 1'-0"

Drawn by :
 SW
Checked by :
 HW

Project No
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Drawing No
 A2.6



1 ROOF PLAN
 1/8" = 1'-0"



② SOUTH ELEVATION
3/16" = 1'-0"



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Project :
DETACHED HOUSE ADDITION
98 BRIARWOOD RD MARKHAM

Drawing Name :
SOUTH ELEVATION

Date :
01/15/19

Scale :
3/16" = 1'-0"

Drawn by :
SW

Checked by :
HW

Project No
AND19002

Drawing No
A3.1



1 EAST ELEVATION
3/16" = 1'-0"



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Project :
DETACHED HOUSE ADDITION
96 BRIARWOOD RD MARKHAM

Drawing Name :
EAST ELEVATIONS

Date:
01/15/19

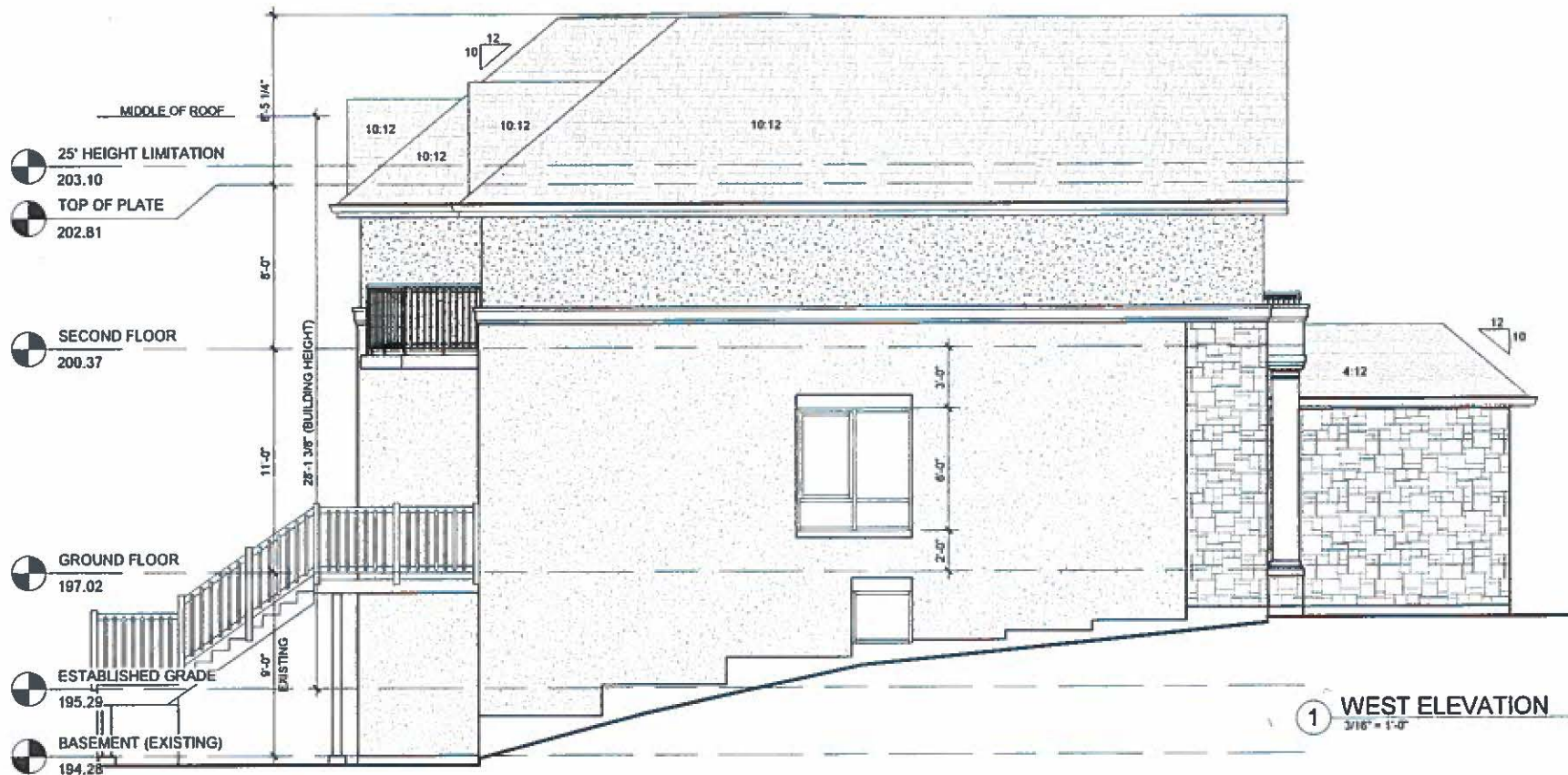
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SW

Checked by:
HW

Project No:
AND19002

Drawing No.:
A3.3



1 WEST ELEVATION
3/16" = 1'-0"

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Project :
DETACHED HOUSE ADDITION
96 BRIARWOOD RD MARKHAM

Drawing Name :
WEST ELEVATION

Date :
01/15/19
Scale :
3/16" = 1'-0"

Drawn by :
SW
Checked by :
HW

Project No
AND19002

Drawing No :
A3.4



1 BUILDING SECTION
3/16" = 1'-0"



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Project :
DETACHED HOUSE ADDITION
88 BRIARWOOD RD MARKHAM

Drawing Name :
BUILDING SECTIONS

Date :
01/15/19

Scale :
3/16" = 1'-0"

Drawn by :
SW

Checked by :
HW

Project No
AND19002

Drawing No :
A4.1