

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

February 07, 2019

**File:** A/11/19  
**Address:** 39 Artisan Trail Markham  
**Applicant:** Robert Chung & Joyce Chan  
**Agent:** Robert Chung  
**Hearing Date:** February 20, 2019

The following comments are provided on behalf of the West Planning District Team:

The applicant is requesting relief from the following requirements of By-law 177-96, as amended, R1-F13.7\*151, to construct a new single detached dwelling that includes the reconstruction of a dismantled heritage structure:

**a) Table B1 (G)**

a minimum rear yard setback of 4.0 metres, whereas the By-law permits a minimum rear yard setback of 7.5 metres;

**b) Table B1 (D):**

a maximum garage width of 9.1 metres, whereas the By-law permits a maximum garage width on a lot that is not accessed by a lane to be 50 percent of the lot frontage (8.3 metres);

as they relate to a proposed dwelling.

### **Applicant's Stated Reason(s) for Not Complying with the Zoning By-law**

According to the information provided by the applicant on the application form: "The nature of the home design (Heritage home and its addition) introduced challenges when trying to comply with the provisions of the by-law."

### **Zoning Preliminary Review**

The applicant has not applied for a Zoning Preliminary Review; however, through the related Site Plan Control Application File No. SC 18 182081, the area zoning examiner has undertaken a detailed review of the proposed development and has advised the applicant of the variances needed in order to implement the plans.

### **Heritage Planning Review, Heritage Markham Committee Review, and TRCA**

The Heritage Districts Team is processing the related Site Plan Control Application and through this process have undertaken a thorough review of the proposed development, including the requested variances. No issues have been identified. The application is nearing Site Plan Endorsement. Heritage Markham reviewed the development proposal at its meeting of January 9, 2019 and is in support. TRCA has no issues with the application but requires a permit pursuant to Ontario Regulation 166/06 and the payment of review fees owing by the applicant.

### **Reduction in Rear Yard Setback**

The applicant's request for a minimum rear yard setback of 4.0 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres is in character with the adjoining heritage property to the south at 37 Artisan Trail, which is also a reconstructed heritage

dwelling with a major addition. Staff is of the opinion that the variance for minimum rear yard setback is minor in nature and have no objection.

**Increase in Maximum Garage Width**

The custom design of the proposed dwelling, with a three-bay garage entered from the side rather than the front, has created the need for a variance for garage width. The maximum garage width that the By-law will allow based on the zoning examiner's calculations is 8.3 metres. The applicant is requesting 9.1 metres. Staff is of the opinion that the variance for garage width is minor in nature and have no objections.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of February 7, 2019. It is noted that additional information may be received after the writing of this report, and the Secretary-Treasurer will provide that information 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 recommends 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.

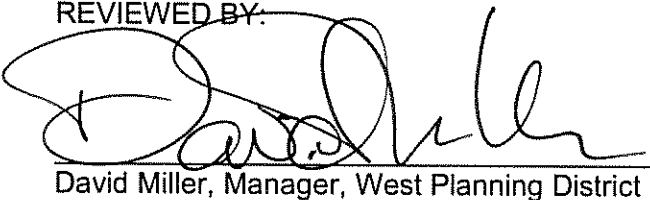
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



George Duncan, Senior Heritage Planner

REVIEWED BY:




David Miller, Manager, West Planning District

## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE 1/11/19**

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 as submitted on January 28, 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;
3. That the owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;
4. The applicant obtains a permit pursuant to Ontario Regulation 166/06, as amended, from the TRCA;
5. The applicant remits the outstanding TRCA Planning Services review fee of \$105.00 within 60 days of the issuance of the TRCA comment letter dated January 29, 2019;
6. The applicant remits the outstanding TRCA Planning Services review fee of \$830.00 associated with staff's review of the related Site Plan Control application (SC 18 182081).

CONDITIONS PREPARED BY:

  
George Duncan, Senior Heritage Planner

TOPOGRAPHIC SURVEY OF  
PART OF BLOCK 136  
REGISTERED PLAN 65M-3670  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK  
SCALE 1:200

MANDARIN SURVEYORS LIMITED, O.L.S. ©

## METRIC

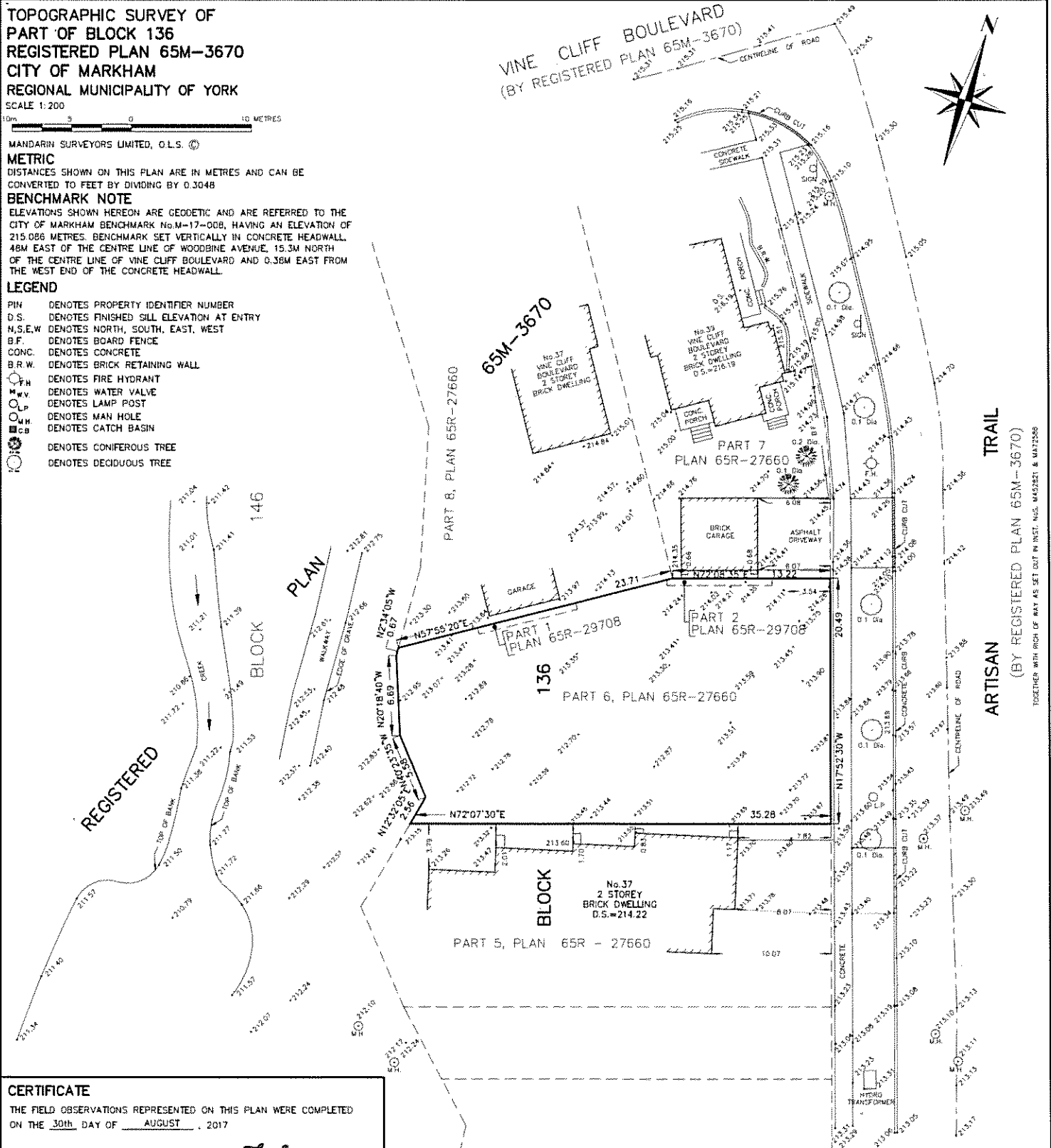
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
CONVERTED TO FEET BY DIVIDING BY 0.3048

### BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEOGETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK N<sub>6</sub>M-17-00B, HAVING AN ELEVATION OF 215.086 METRES. BENCHMARK SET VERTICALLY IN CONCRETE HEADWALL, 48M EAST OF THE CENTRE LINE OF WOODBINE AVENUE, 15.3M NORTH OF THE CENTRE LINE OF VINE CLIFF BOULEVARD AND 0.36M EAST FROM THE WEST END OF THE CONCRETE HEADWALL.

### LEGEND

- |         |  |
|---------|--|
| PI#     | DENOTES PROPERTY IDENTIFIER NUMBER       |
| D.S.    | DENOTES FINISHED SILL ELEVATION AT ENTRY |
| N,S,E,W | DENOTES NORTH, SOUTH, EAST, WEST         |
| B.F.    | DENOTES BOARD FENCE                      |
| CONC.   | DENOTES CONCRETE                         |
| B.R.W.  | DENOTES BRICK RETAINING WALL             |
| ○ F H   | DENOTES FIRE HYDRANT                     |
| ○ W V   | DENOTES WATER VALVE                      |
| ○ L P   | DENOTES LAMP POST                        |
| ○ M H   | DENOTES MAN HOLE                         |
| ■ C B   | DENOTES CATCH BASIN                      |
| ●       | DENOTES CONIFEROUS TREE                  |
| ○       | DENOTES DECIDUOUS TREE                   |



## CERTIFICATE

THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN WERE COMPLETED  
ON THE 30th DAY OF AUGUST, 2017

SEPTEMBER 8 . 2017  
DATE

Z. ZENG  
ONTARIO LAND SURVEYOR



**MANDARIN SURVEYORS LIMITED**  
ONTARIO LAND SURVEYOR      CANADA LANDS SURVEYOR  
WWW.MANDARINSURVEYOR.COM

42 RAVENCLIFF CRESCENT    PHONE: (647)430-1366    FAX: (647)799-4066  
TORONTO, ONTARIO, M1T 1R8    E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: S.Z.	CAD No: 17-137TP	JOB No 2017-137
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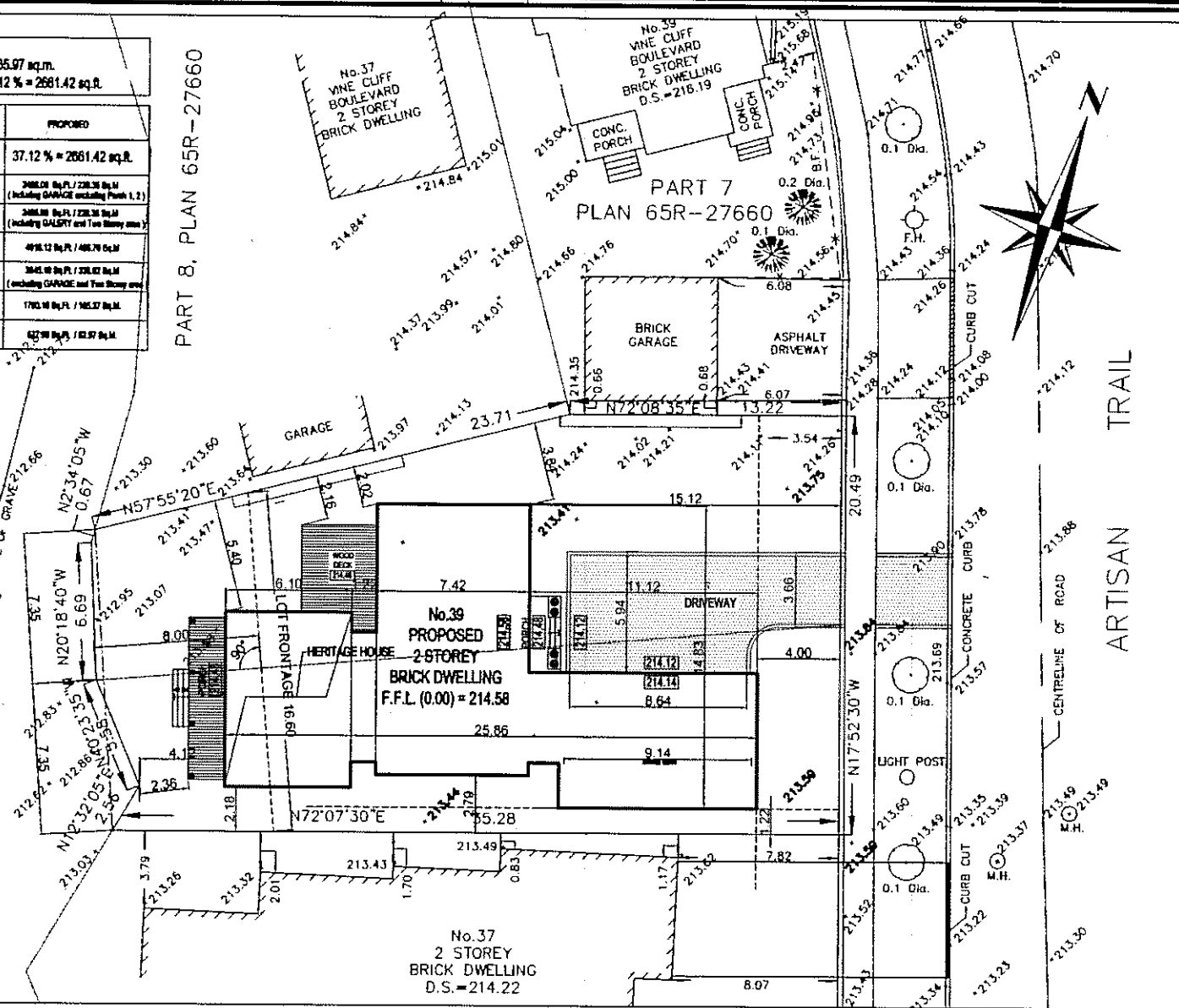
### CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR MORTGAGE OR TRANSACTION PURPOSES.

**BLOCK**

STATISTICS	PROPOSED
LOT COVERAGE	37.12 % = 2861.42 sq.ft.
GROUND FLOOR	2488.08 sq.ft. / 228.36 sq.m. (including CHANGGE and Two Storey area)
SECOND FLOOR	2488.08 sq.ft. / 228.36 sq.m. (including GALLERY and Two Storey area)
TOTAL FLOOR AREA	4976.12 sq.ft. / 456.72 sq.m.
TOTAL LIVABLE AREA	3845.98 sq.ft. / 353.62 sq.m. (including CHANGGE and Two Storey area)
BATHROOM AREA	1792.98 sq.ft. / 163.57 sq.m.
GARAGE AREA	622.98 sq.ft. / 57.57 sq.m.

PART 8, PLAN 65R-27660

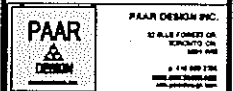


ARTISAN TRAIL

NAME	DATE	DESCRIPTION
1	01 08 1948	INFLUENZA
2	06 12 1948	REINFLUENZA -AB. PLE HERNIE AB PNEUMONIT

<p><b>THE-204</b></p> <p>The photograph has indicated that some responsibility for this sample and test has qualifications that exceed the requirements and that in the future this will be a sample</p> <p><b>Classification Information</b></p> <p>Residual stress design is a complex stress design C-2.2.1  of the 2000 Design Building Code</p> <p><b>Design Phase</b></p> <p>2004-2005</p> <p><b>Regulatory Information</b></p> <p>Residual stress design is a complex stress design C-2.2.1  of the 2000 Design Building Code</p> <p><b>Build &amp; Acceptance</b></p> <p><b>Testing/Control</b></p> <p>2004-2005</p>		<p>2004-2005</p> <p>2004-2005</p>
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No. 39  
ARTISAN TRAIL  
2 STOREY DWELLING  
SITE PLAN  
scale 1/16"=1'-0"



A 01







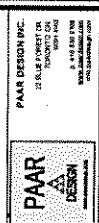


NO.	DATE	DESCRIPTION
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2	01.06.2018	REVISION 4
3	06.12.2018	REVISION 5
4	06.12.2018	REVISION 6
5	06.12.2018	REVISION 7

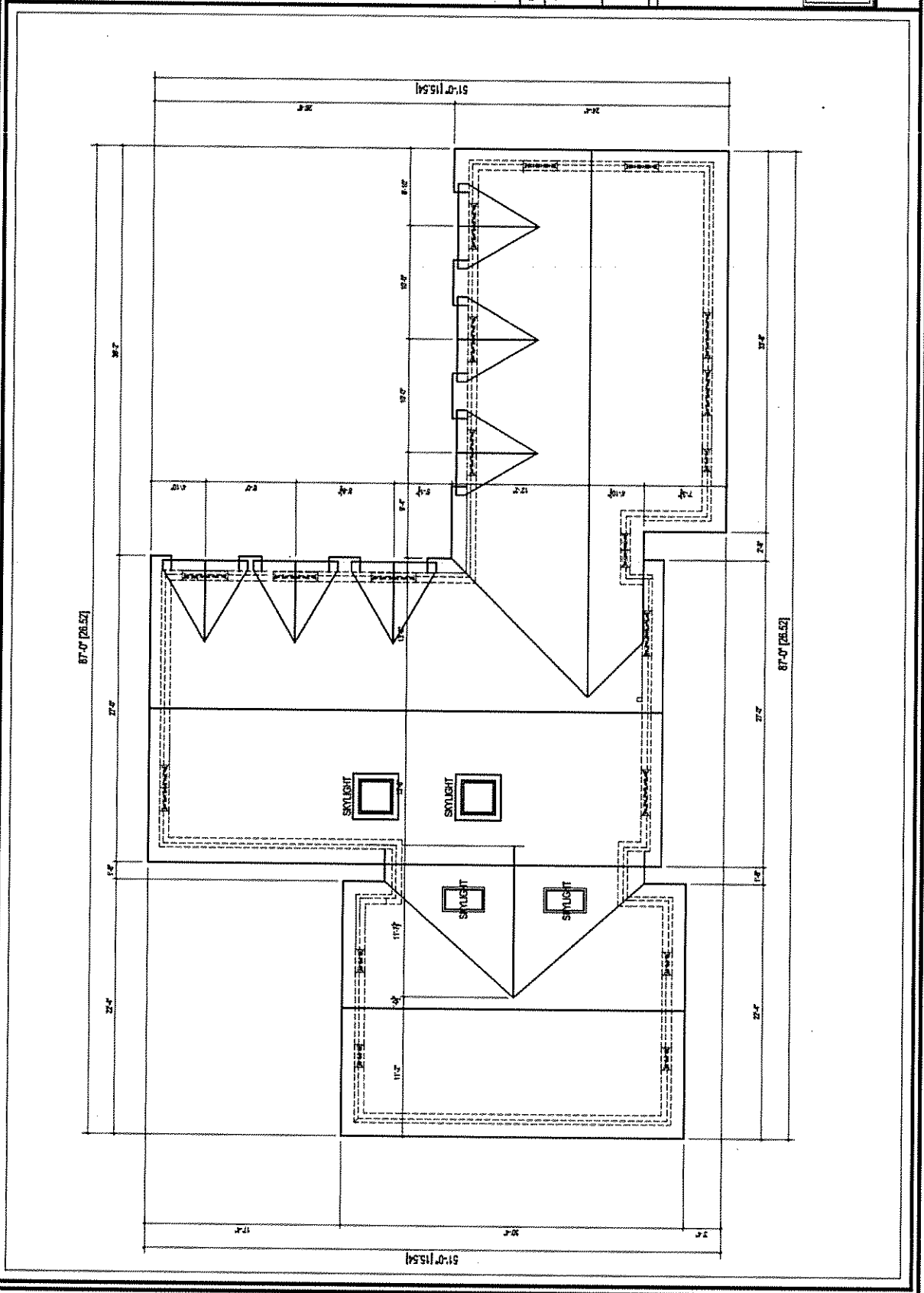
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REVISION 15	01.06.2018	REVISION 16	01.06.2018
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REVISION 93	01.06.2018	REVISION 94	01.06.2018
REVISION 95	01.06.2018	REVISION 96	01.06.2018
REVISION 97	01.06.2018	REVISION 98	01.06.2018
REVISION 99	01.06.2018	REVISION 100	01.06.2018

PAAR DESIGN INC.  
22 BLUE PRINT DR.  
SUITE 100  
WILLOW PARK  
WILLOW PARK, ONTARIO  
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416-291-7222  
WWW.PAARDDESIGN.COM

PROJECT:  
No. 39  
ARTISAN TRAIL  
2 STOREY DWELLING  
ROOF PLAN  
SCALE: 1/8"=1'-0"



A 05




NO.	DATE	DESCRIPTION
1	07-09-2018	REVISION 1
2	11-14-2018	REVISION 2 FOR BIDDING
3	08-17-2019	REVISED FOR CONSTRUCTION

PAAR DESIGN INC. 10000 10th Street, Suite 100 Dallas, Texas 75243 Tel: 214-343-1111 Fax: 214-343-1112 Email: info@paardesign.com Website: www.paardesign.com	PROJECT: No. 39 ARTISAN TRAIL 2 STOREY DWELLING FRONT/EAST ELEVATION SCALE: 1/8"=1'-0"
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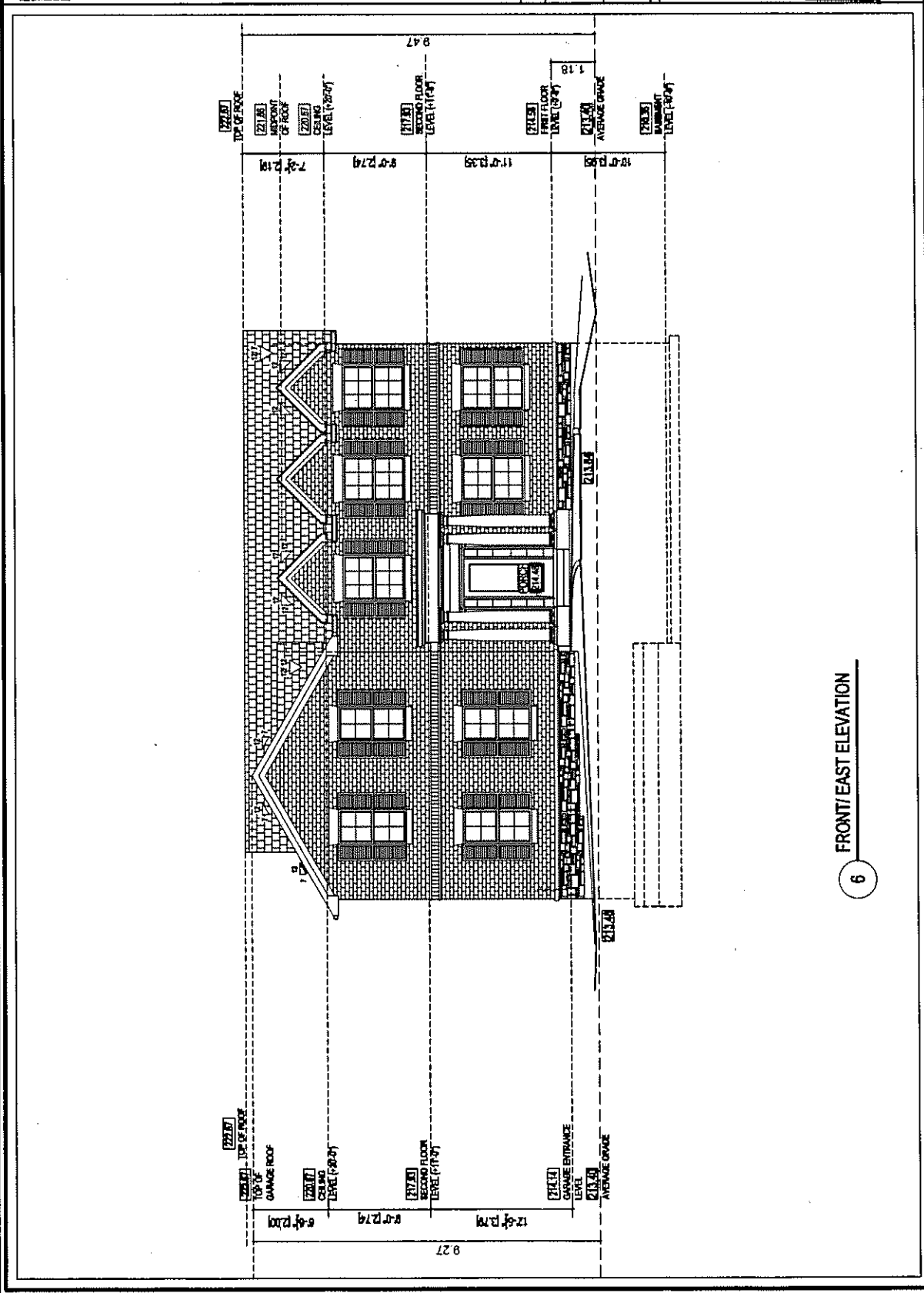
The owner hereby certifies that the information furnished to the architect is true and correct to the best of his knowledge and belief, and that he is not aware of any facts or circumstances which might materially affect the performance of the architect's services.

Signature of Owner: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_



PAAR DESIGN INC.  
 10000 10th Street, Suite 100  
 Dallas, Texas 75243  
 Tel: 214-343-1111  
 Fax: 214-343-1112  
 Email: info@paardesign.com  
 Website: www.paardesign.com

A 06



FRONT/EAST ELEVATION

NO.	DATE	DESCRIPTION
1	01.08.2016	PRELIMINARY
2	11.08.2016	REVISION FOR DESIGN REVIEW
3	04.12.2016	REVISION FOR PERMITS
4	04.12.2016	REVISION FOR PERMITS

REVISIONS

PROJECT: No. 38 ARTISAN TRAIL 2 STOREY DWELLING SIDE/NORTH ELEVATION

DATE: 04.12.2016

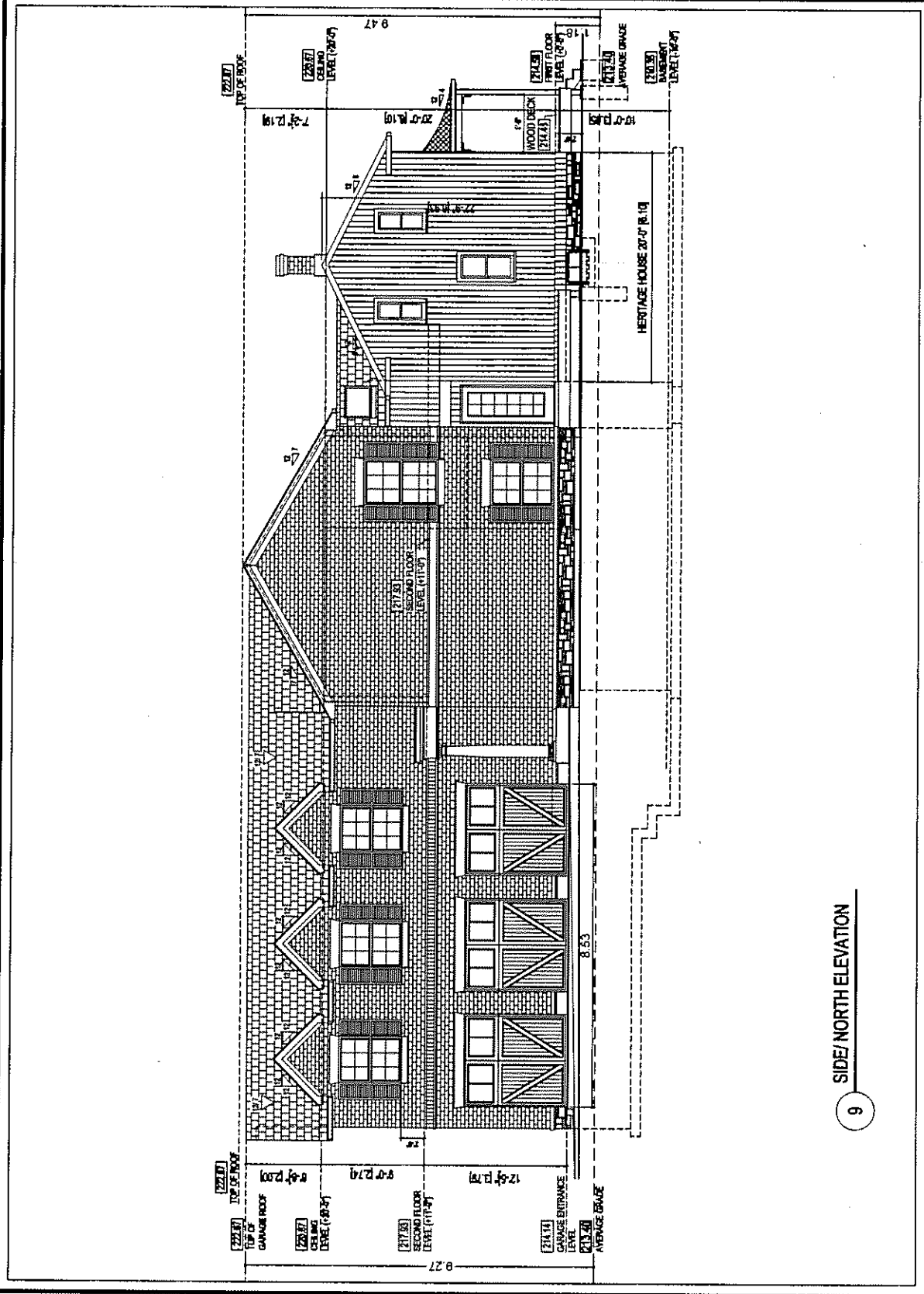
SCALE: 1/8" = 1'-0"

PROJECT: No. 38 ARTISAN TRAIL 2 STOREY DWELLING SIDE/NORTH ELEVATION



PAAR DESIGN INC.  
11111 111TH AVE. S.W.  
SUITE 100  
VANCOUVER, BC V6V 2G9  
TEL: 604-261-1111  
WWW.PAARDISIGN.COM

A 07



9 SIDE/NORTH ELEVATION



