

Memorandum to the City of Markham Committee of Adjustment

July 31, 2018

File: A/111/18
Address: 31 Carolwood Crescent, Markham
Applicant: Mohammad & Zakia Hasnat
Agent: Spatial Concepts Inc. (Jamshaid Durrani)
Hearing Date: Wednesday August 08, 2018

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

The applicant is requesting relief from the following requirements of By-law 304-87, as amended:

a) Parking By-law 28-97, Section 6.2.4.5 (a):

a maximum secondary driveway width of 5.8 m, whereas the By-law permits a maximum secondary driveway width of 3.7 m; as it relates to a proposed circular driveway addition to a residential dwelling that is currently under construction.

The applicant is proposing to widen the existing secondary driveway to 5.8 m whereas the By-law permits a maximum secondary driveway width of 3.7 m. This represents an increase of approximately 2.1 m. The proposed driveway extension includes the removal of a tree and will be reviewed upon the submission of a Tree Preservation Plan, which is a recommended condition of approval. The proposal will not result in a significant reduction of soft landscaping at the front of the property. In addition, as the proposed driveway is being widened internally; and, that there is adequate separation between lots, it is the opinion of Staff that there will not be any adverse impacts to the neighbouring lots.

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

According to the information provided by the applicant, "... *[the] by-law only permits 3.7m for second driveway*".

Zoning Preliminary Review (ZPR) not Undertaken

The applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 31st, 2018. It is noted that additional information may be received after the writing of this report, and the Secretary-Treasurer will provide any additional information on this application at the meeting of the Committee of Adjustment.

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 have no objections to the variance requested (subject to the condition attached hereto) however, recommend that the Committee consider public input prior to reaching a decision.

The onus is ultimately contingent 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:




Stacia Muradali, Senior Planner, East District
File Path: Amanda\File\18 240168 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/111/18

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 by the City of Markham on July 18, 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;

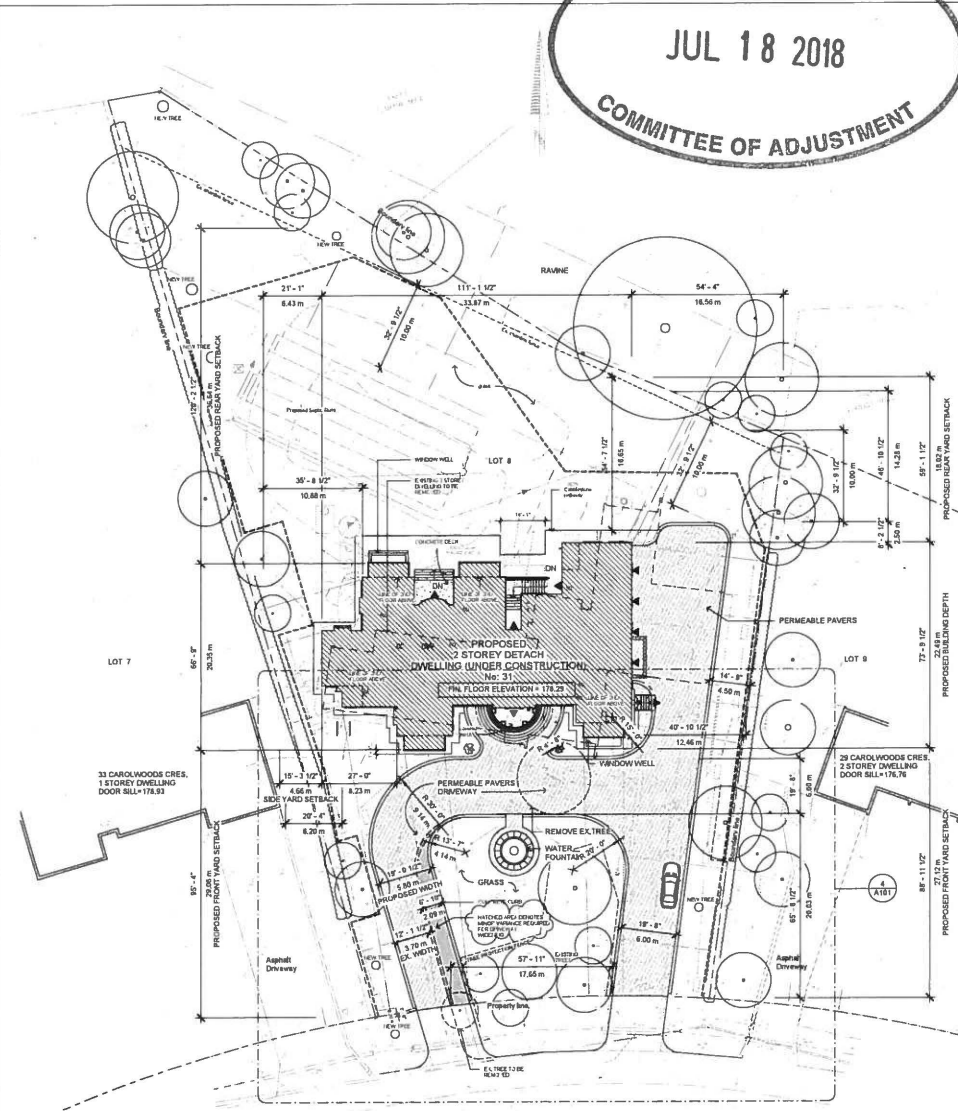
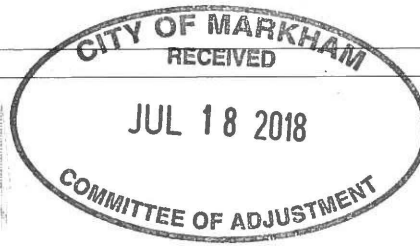
CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects



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SITE PLAN
SCALE: 1"=20'

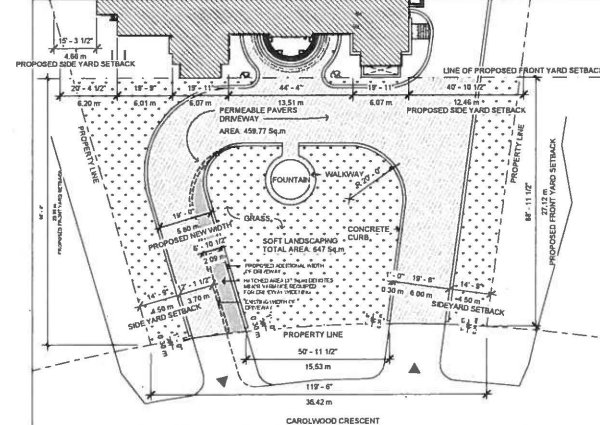
PERMITTED USE:
1 SINGLE FAMILY DETACHED DWELLING
MINIMUM LOT FRONTAGE 27.5m
MINIMUM LOT AREA 0.4 hectares
PERMITTED MINIMUM FRONT YARD: 7.5m
PERMITTED MINIMUM SIDE YARD: 3.0m
(MINIMUM 200-211 THE SUM OF WIDTH OF BOTH YARDS SHALL NOT BE LESS THAN 9m.)
PERMITTED MINIMUM REAR YARD: 7.5m
PERMITTED HEIGHT: 10.7m

FRONT YARD LANDSCAPING CALCULATION:
TOTAL FRONT YARD AREA: 1170 Sq.m
EXISTING DRIVEWAY AREA: 439.77 Sq.m
PROPOSED SECOND DRIVEWAY ADDITIONAL AREA: 37.5 Sq.m
(MINOR VARIANCE)
SECOND DRIVEWAY EXISTING WIDTH: 3.7m
SECOND DRIVEWAY PROPOSED WIDTH: 5.8m
MINOR VARIANCE REQUIRED: 3.3m
TOTAL DRIVEWAY AREA: 498.7
EXISTING WALKWAY AREA: 11.85 Sq.m
EXISTING FOUNTAIN AREA: 14.3 Sq.m
PERMITTED FRONT YARD LANDSCAPE AREA 40%: 448m
PROPOSED FRONT YARD LANDSCAPE AREA %: 50.32% (447 Sq.m)



KEY PLAN

LOT 8, REGISTERED PLAN 5937
CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK
DATE: NOVEMBER 10, 2015



PROPOSED FRONT YARD LANDSCAPING

SITE DATA		
SETBACKS	PERMITTED AS PER ZONING BY-LAWS	PROPOSED
BUILDING DEPTH		22.49m (Varies)
FRONT YARD	7.5m	27.13m and 28.06m
REAR YARD	7.5m	18.03m MIN. (VARIANCE)
EAST SIDE YARD	4.5m	12.46m
WEST SIDE YARD	3.0m	4.66m
HEIGHT	10.7m	10.53m
LOT COVERAGE		19.76%
LANDSCAPING		54.62%
DRIVEWAY		174.44m
AVERAGE		177.48
GRASS		56 sq.m
PATIO		28 sq.m
WALKWAY		28 sq.m

LEGEND	
	PERMEABLE PAVERS (REFER TO TYPICAL SECTION ON GRADING PLAN)
	SOFT LANDSCAPE

SITE STATISTICS	
PROPERTY INFORMATION	11 CAROLWOODS CRESCENT MARKHAM, ONTARIO - LOT 8 PLAN 5937
ZONING	R10 - RURAL RESIDENTIAL ZONE (MARKHAM BY-LAW 504-07)
LOT AREA	43.93 HECT (108.47 ACRES)
BUILDING HEIGHT	10.53m
Gross Floor Area	Proposed
Ground Floor	4240 sq.ft (394 sq.m)
Second Floor	2750 sq.ft (255 sq.m)
Garage	1050 sq.ft (97 sq.m)
Total	8040 sq.ft (746 sq.m) including Garage
Number of Stories	2

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Do not scale this drawing.
This drawing shall not be used for construction purposes unless signed.

SPATIAL CONCEPTS INC.

ISSUED RECORD

No.	Description	Date
4	Revision	27-06-16
6	Issued for Minor Variance	16-07-16

SPATIAL CONCEPTS

126 SWEENEY DRIVE
TORONTO, ON M4A 1T9
www.spatialconcepts.ca
E: info@spatialconcepts.ca
T: 416.262.6134

Owner

Project number

Project Number

Enter address here

SITE

A101

Scale As Indicated

NOTE: FOR EXISTING TREE PROTECTION AND NEW TREE PLANTATION REFER TO ARBORIST DRAWINGS AND GRADING PLAN.

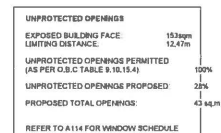
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Owner	Project Number
-	-
Project number	Project Number
-	-
Enter address here	

SOUTH ELEVATION

A105

Scale 3/16" = 1'-0"



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

SURVEYOR'S REAL PROPERTY REPORT - PART 1
 PLAN OF
 LOT 8
 REGISTERED PLAN 5937
 CITY OF MARKHAM
 Regional Municipality of York
 SCALE 1:200
 PREPARED BY
 G.T.A. SURVEYING INC.
 © COPYRIGHT 2013



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

SURVEYOR'S CERTIFICATE
 I, GUYTON J. RAY,
 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 30TH DAY OF
 OCTOBER, 2013.

NOVEMBER 18, 2013
 DATE
 GUYTON J. RAY
 QUALIFIED LAND SURVEYOR



LEGEND
 CB - REMOTES SURVEY MONUMENT SET
 BB - SURVEY MONUMENT (BAND)
 RP - REGISTERED PLAN 5937
 N.S.L.W. - NORTH-SOUTH LINE
 M - MEASURED
 IP - IRON PIPE
 SW - STANDARD IRON BAR
 RL - IRON BAR
 P - PROPERTY BOUNDARY MARKER
 P.M. - PUBLIC MONUMENT
 V.P. - VITULI PILL
 W.W. - WOODEN WELL
 C.W. - CEMENT WELL
 H.M. - HYDRO METER
 B.M. - BOTTOM OF CURB
 T.C. - TOP OF CURB
 C.W. - CEMENT WELL
 D.T. - DECADENT TREE

LEGEND (Cont.)
 B.M. - REMOTES P.S. MARKER, D.L.S.
 B.M. - PLAN SHOWN HEREIN, D.L.S.
 DATED SEPTEMBER 18, 1987
 D.M. - D.M. BLACK D.L.S.

ELEVATION NOTE
 ELEVATIONS ARE IN METRIC AND ARE REFERRED TO THE
 CITY OF MARKHAM BENCHMARK NO. 221-58 HAVING A
 PROPOSED ELEVATION OF 179.94 METRES.

BEARING NOTE
 BEARINGS ARE ASTROLOGICAL AND ARE REFERRED TO THE
 TRUE NORTH OF LOT 8, HAVING A BEARING OF
 100°10'00" ACCORDING TO REGISTERED PLAN 5937.

THIS PLAN WAS PREPARED FOR THE AS SHOWN

PART 2 - SURVEY REPORT
 1) PLEASE NOTE LOCATION OF TIES
 2) IN ORDER TO AVOID ANY/ALL RIGHTS-OF-WAY - NONE
 3) THIS PLAN DOES NOT COMPLY WITH ZONING
 BY-LAW

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