

Memorandum to the City of Markham Committee of Adjustment

January 15, 2020

File: A/115/19
Address: 52 Dove Lane Thornhill
Applicant: Ian Robertson Design (Bobbi-Jo Mackinnon)
Hearing Date: Wednesday, January 22, 2020

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

The applicant is requesting relief from the following requirements of the Residential Third Density (R3) zone in By-law 2237, as amended:

- a) **Amending By-law 101-90, Section 1.2(i) - Building Height:**
To permit a maximum building height of 10.96 metres (35.96 ft), whereas the By-law permits a maximum building height of 9.8 metres (32.15 ft);
- b) **Section 6.1 - Front Yard Setback:**
To permit a minimum front yard setback of 26.7 feet (8.14 m), whereas the By-law requires a minimum front yard setback of 27 feet (8.23 m);
- c) **Amending By-law 101-90, Section 1.2(iv) - Building Depth:**
To permit a maximum building depth of 29.83 metres (97.87 ft), whereas the By-law permits a maximum building depth of 16.8 metres (55.12 ft);
- d) **Section 6.1 - Rear Yard Setback:**
To permit a minimum rear yard setback of 19.75 feet (6.02 m), whereas the By-law requires a minimum rear yard setback of 25 feet (7.62 m);
- e) **Section 4.4.1 - Accessory Buildings:**
To permit an accessory building (Cabana) to be located in the side yard, whereas the By-law requires all accessory buildings which are not part of the main building to be erected in the rear yard; and,
- f) **Amending By-law 101-90, Section 1.2(vii) - Floor Area Ratio:**
To permit a maximum floor area ratio of 54.8 percent (9,254 sq.ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (8,349 sq.ft.);

The requested variances relate to a proposed two-storey detached dwelling on the subject property.

COMMENTS

The Committee of Adjustment deferred this application on November 27, 2019, due to concerns of potential flooding and grading issues raised by the Public. There were also concerns related to the size of the proposed dwelling, and its compatibility in the neighbourhood. The applicant has not changed the proposed variances, however, they have provided additional plans and documentation in response to the grading concerns raised by the Public (See Appendix B).

It should be noted, for this proposal, a 'Residential Infill Grading and Servicing Application' would be required to be submitted to the Engineering Department, to determine compliance with engineering standards, prior to issuance of a Building Permit.

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's comments for the November 27, 2019 meeting dated November 14, 2019 remain applicable (See Appendix C). 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:


Hailey Miller, Planner I, West District

REVIEWED BY:


David Miller, Development Manager, West District

File Path: Amanda\File\19 138623 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/115/19

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 and received by the City of Markham on October 25, 2019 & November 13, 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. 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;
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 Tree Preservation Technician or Director of Operations;
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 Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:



Hailey Miller, Planner I, West District

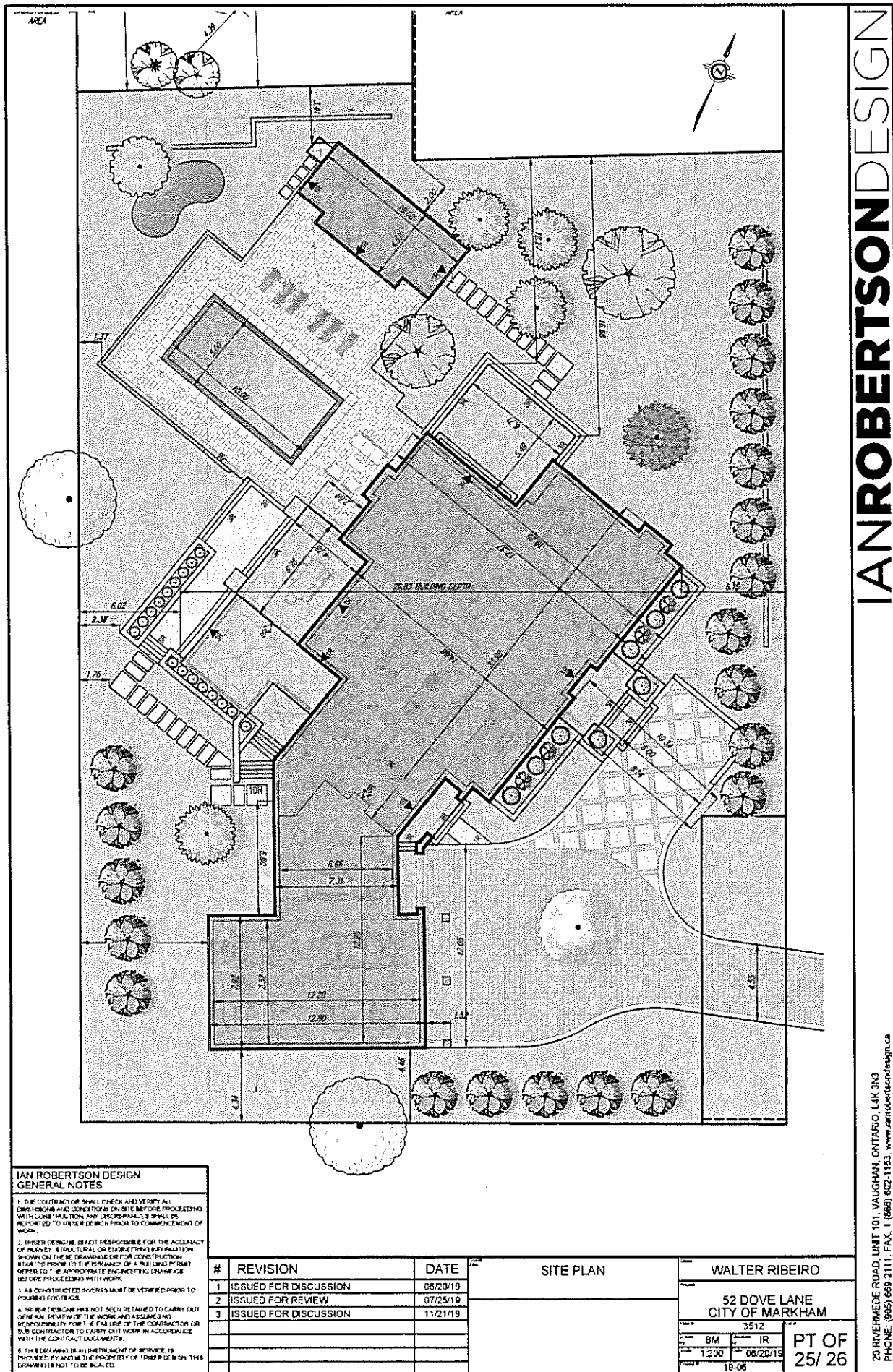
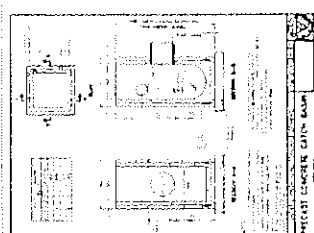
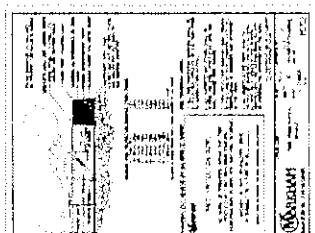
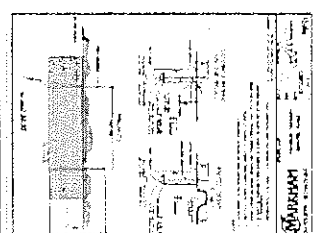
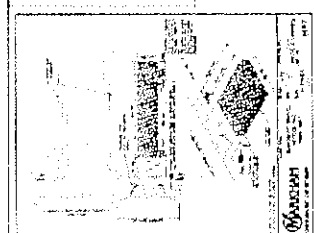
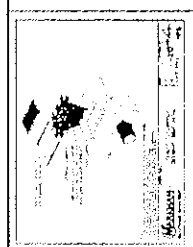
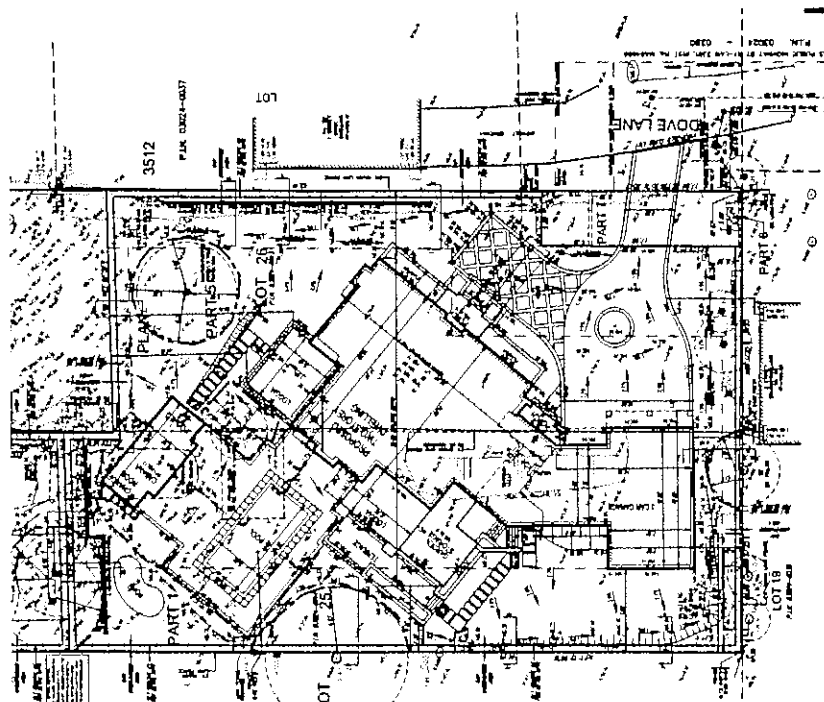


Diagram 1 (left) shows a side view of a mechanical assembly. It features a vertical shaft with a horizontal arm extending from it. The arm has a rectangular block at its end. Various components are labeled with letters and numbers, including 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'I', 'J', 'K', 'L', 'M', 'N', 'O', 'P', 'Q', 'R', 'S', 'T', 'U', 'V', 'W', 'X', 'Y', 'Z', '1', '2', '3', '4', '5', '6', '7', '8', '9', '10', '11', '12', '13', '14', '15', '16', '17', '18', '19', '20', '21', '22', '23', '24', '25', '26', '27', '28', '29', '30', '31', '32', '33', '34', '35', '36', '37', '38', '39', '40', '41', '42', '43', '44', '45', '46', '47', '48', '49', '50', '51', '52', '53', '54', '55', '56', '57', '58', '59', '60', '61', '62', '63', '64', '65', '66', '67', '68', '69', '70', '71', '72', '73', '74', '75', '76', '77', '78', '79', '80', '81', '82', '83', '84', '85', '86', '87', '88', '89', '90', '91', '92', '93', '94', '95', '96', '97', '98', '99', '100'. The diagram is labeled '1' at the bottom.

Diagram 2 (right) shows a top-down view of the same mechanical assembly. It features a central vertical shaft with a horizontal arm extending from it. The arm has a rectangular block at its end. Various components are labeled with letters and numbers, including 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'I', 'J', 'K', 'L', 'M', 'N', 'O', 'P', 'Q', 'R', 'S', 'T', 'U', 'V', 'W', 'X', 'Y', 'Z', '1', '2', '3', '4', '5', '6', '7', '8', '9', '10', '11', '12', '13', '14', '15', '16', '17', '18', '19', '20', '21', '22', '23', '24', '25', '26', '27', '28', '29', '30', '31', '32', '33', '34', '35', '36', '37', '38', '39', '40', '41', '42', '43', '44', '45', '46', '47', '48', '49', '50', '51', '52', '53', '54', '55', '56', '57', '58', '59', '60', '61', '62', '63', '64', '65', '66', '67', '68', '69', '70', '71', '72', '73', '74', '75', '76', '77', '78', '79', '80', '81', '82', '83', '84', '85', '86', '87', '88', '89', '90', '91', '92', '93', '94', '95', '96', '97', '98', '99', '100'. The diagram is labeled '2' at the bottom.



Memorandum to the City of Markham Committee of Adjustment

November 14, 2019

File: A/115/19
Address: 52 Dove Lane Thornhill
Applicant: Ian Robertson Design (Bobbi-Jo Mackinnon)
Hearing Date: Wednesday, November 27, 2019

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

The applicant is requesting relief from the following requirements of the Residential Third Density (R3) zone in By-law 2237, as amended:

- a) **Amending By-law 101-90, Section 1.2(i) - Building Height:**
a maximum building height of 10.96 metres (35.96 ft), whereas the By-law permits a maximum building height of 9.8 metres (32.15 ft);
- b) **Section 6.1 - Front Yard Setback:**
a minimum front yard setback of 26.7 feet (8.14 m), whereas the By-law requires a minimum front yard setback of 27 feet (8.23 m);
- c) **Amending By-law 101-90, Section 1.2(iv) - Building Depth:**
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a minimum rear yard setback of 19.75 feet (6.02 m), whereas the By-law requires a minimum rear yard setback of 25 feet (7.62 m);
- e) **Section 4.4.1 - Accessory Buildings:**
to erect an accessory building (Cabana) in the side yard, whereas the By-law requires all accessory buildings which are not part of the main building to be erected in the rear yard;
- f) **Amending By-law 101-90, Section 1.2(vii) - Floor Area Ratio:**
a maximum floor area ratio of 54.8 percent (9,254 sq.ft.), whereas the By-law permits a maximum floor area ratio of 50 percent (8,349 sq.ft.);

as it relates to a proposed two-storey detached dwelling.

BACKGROUND

Property Description

The 2405.61 m² (25,893.77 ft²) subject property is located on the west side of Dove Lane, south of John Street and west of Bayview Avenue. There are no buildings or structures on the subject property. The subject property was created by a Consent to Sever application, which was approved in 2017 (B/25/17). The subject property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property.

Proposal

The applicant is proposing to construct a two-storey detached dwelling with a floor area of 849.51 m² (9,144.05 ft²). The proposal also includes a front covered porch, an attached three car garage, and a cabana with a floor area of approximately 42.73 m² (459.94 ft²).

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. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the 'Residential Low Rise' designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a 'Residential Low Rise' area, including variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 2237

The subject property is zoned Residential Third Density (R3) under By-law 2237, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law requirements with respect to minimum front and rear yard setbacks, and the location of accessory buildings.

Residential Infill Zoning By-law 101-90

The subject property is also subject to the Residential Infill Zoning By-law 101-90. 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 maximum building height, maximum building depth, and maximum floor area ratio.

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, *"Due to the irregular shape of the lot & lack of frontage, we are limited as to how the proposed dwelling & cabana can be oriented on the site. In order to maintain positive drainage on a lot of this size the proposed dwelling had to be raised to work with the grade at the crown of the road."*

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on October 9, 2019 to confirm the variances required for the proposed development.

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 10.96 m (35.96 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 1.16 m (3.81 ft). Staff are of the opinion that the requested variance is appropriate for the development.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 26.7 ft (8.14 m), whereas the By-law requires a minimum front yard setback of 27 ft (8.23 m). This represents a reduction of approximately .03 ft (0.09 m). The variance is entirely attributable to the front covered porch. The main front wall of the building provides a front yard setback of roughly 32.87 ft (10.02 m), which complies with the By-law. Staff are of the opinion the requested variance is minor in nature.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 29.83 m (97.87 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 13.03 m (42.75 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line. Given the configuration of the lot, building depth is measured on an angle through the proposed building (See Appendix "C"). If the building depth were to be applied as a perpendicular line to the main walls, the proposed dwelling would have a ground floor depth of approximately 21.34 m (70.01 ft) and the second storey of the dwelling would have a depth of approximately 19.25 m (63.16 ft).

Given the irregular shape of the lot, size of the subject property, and the distance from adjacent homes, Staff are of the opinion that the variance is minor and adverse impacts on neighbouring properties are not anticipated.

Reduction in Rear Yard Setback

The applicant is requesting relief to permit a minimum rear yard setback of 19.75 ft (6.02 m), whereas the By-law requires a minimum rear yard setback of 25 ft (7.62 m). This represents a reduction of approximately 5.25 ft (1.6 m).

It should be noted that the proposed reduction in rear yard setback does not appear to impact the availability of outdoor amenity space as the majority of the outdoor amenity space is positioned in the side yard. Given the orientation of the proposed dwelling, Staff are of the opinion that the proposed rear yard setback variance is minor in nature.

Accessory Building Location

The applicant is requesting relief to permit an accessory building (Cabana) in the side yard, whereas the By-law requires all accessory buildings which are not part of the main building to be erected in the rear yard. Due to the unusual configuration of the lot, and the design and orientation of the proposed dwelling on the lot, the accessory building is being proposed in the side yard. Staff are of the opinion the proposed variance is minor in nature, and will not impact neighbouring properties.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 54.8 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 849.51 m² (9,144.05 ft²), whereas the By-law permits a dwelling with a maximum floor area of 775.59 m² (8,348.38 ft²). This represents an increase of approximately 73.92 m² (795.67 ft²), or 9.53 percent.

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling. The proposed development complies with coverage and side yard setback requirements which help to ensure the intended scale of infill development is met. Consequently, Staff do not anticipate any adverse impacts on neighbouring properties, for the proposed increase to the floor area ratio.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 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.

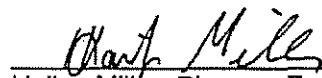
CONCLUSION

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 and have no objection. 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.

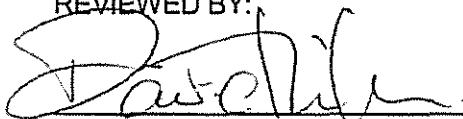
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Hailey Miller, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District

File Path: Amanda\File\ 19 138623 \Documents\District Team Comments Memo

APPENDIX "A"

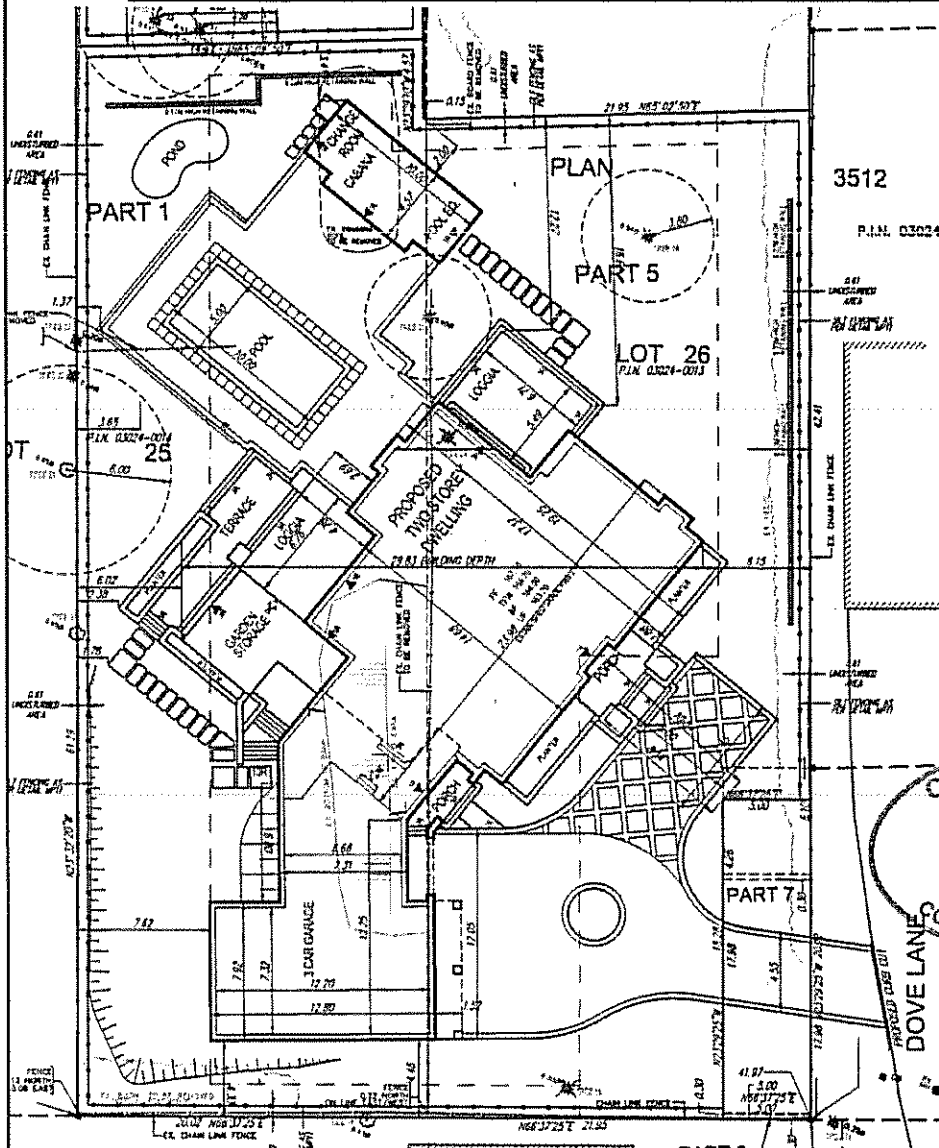
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/115/19

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 and received by the City of Markham on October 25, 2019 & November 13, 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. 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;
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 Tree Preservation Technician or Director of Operations;
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 Tree Preservation Technician or Director of Operations.

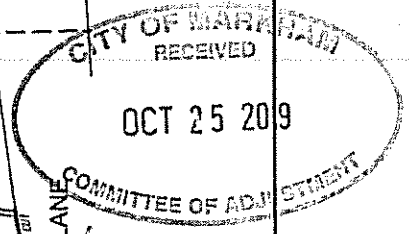
CONDITIONS PREPARED BY:


Hailey Miller, Planner, Zoning and Special Projects

PART OF LOT 25/26 - 52 DOVE LANE




IAN ROBERTSON DESIGN



ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
1	Site Plan	1	\$1,000.00	\$1,000.00
2	Survey	1	\$2,000.00	\$2,000.00
3	Engineering	1	\$3,000.00	\$3,000.00
4	Permitting	1	\$1,500.00	\$1,500.00
5	Construction	1	\$10,000.00	\$10,000.00
6	Landscaping	1	\$2,000.00	\$2,000.00
7	Signage	1	\$1,000.00	\$1,000.00
8	Other	1	\$500.00	\$500.00
TOTAL				\$22,000.00

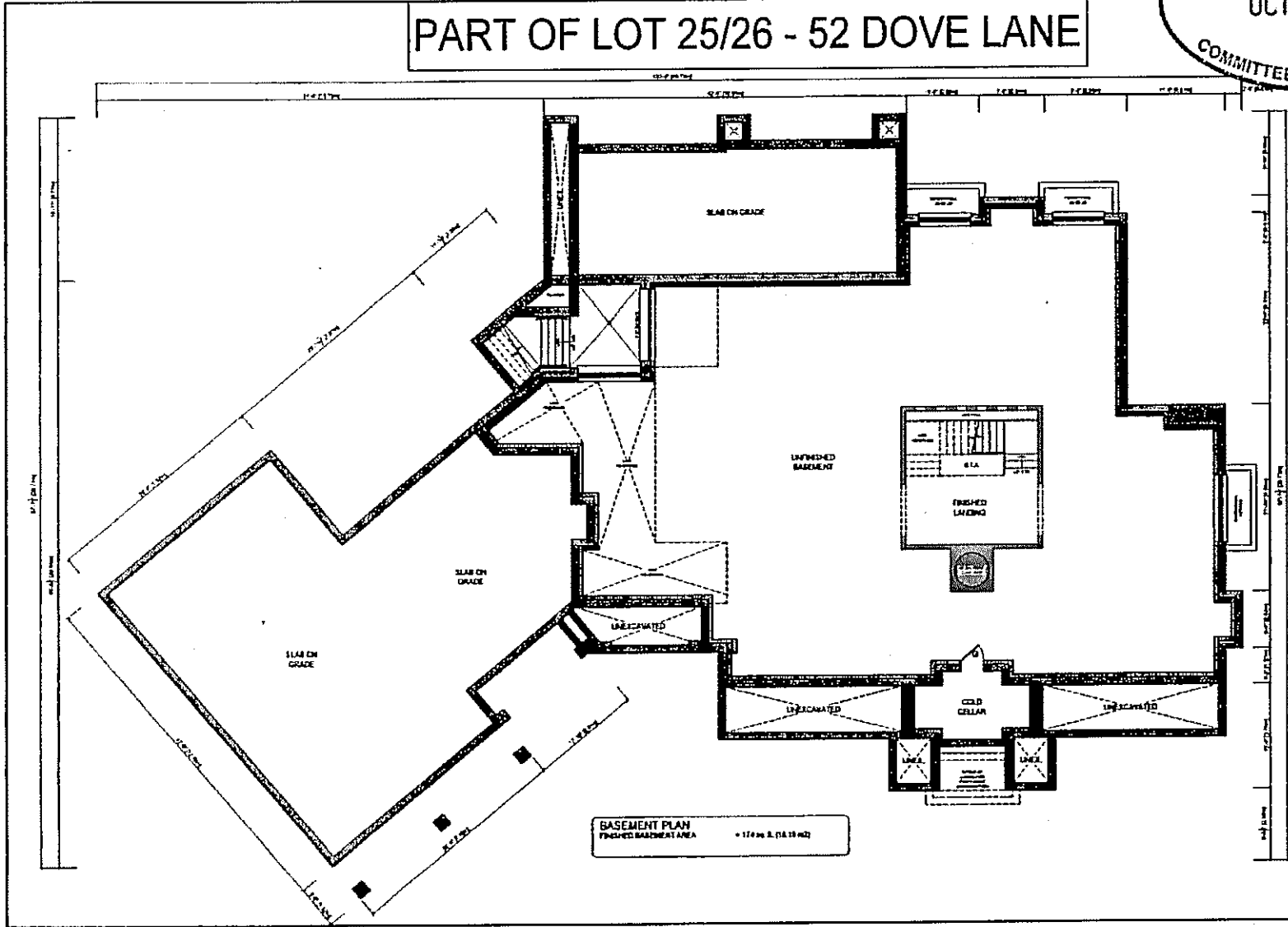
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PART OF LOT 25/26	
52 DOVE LANE CITY OF MARKHAM	
SITE PLAN	
BM	10/17/19
19-08	1 OF 1
1:250	

20 BAYVIEW ROAD UNIT 101, VAUGHAN, ONTARIO L4V 3H1
PHONE: (416) 883-0111 FAX: (416) 883-1113 WWW.IANROBERTSONDESIGN.COM


 CITY OF MARKHAM
 RECEIVED
 OCT 25 2019
 COMMITTEE OF ADJUSTMENT

COMMITTEE OF ADJUSTMENT

IAN ROBERTSON DESIGN



BASEMENT PLAN
FINISHED BASEMENT AREA • 174 sq. ft. (16.18 m²)

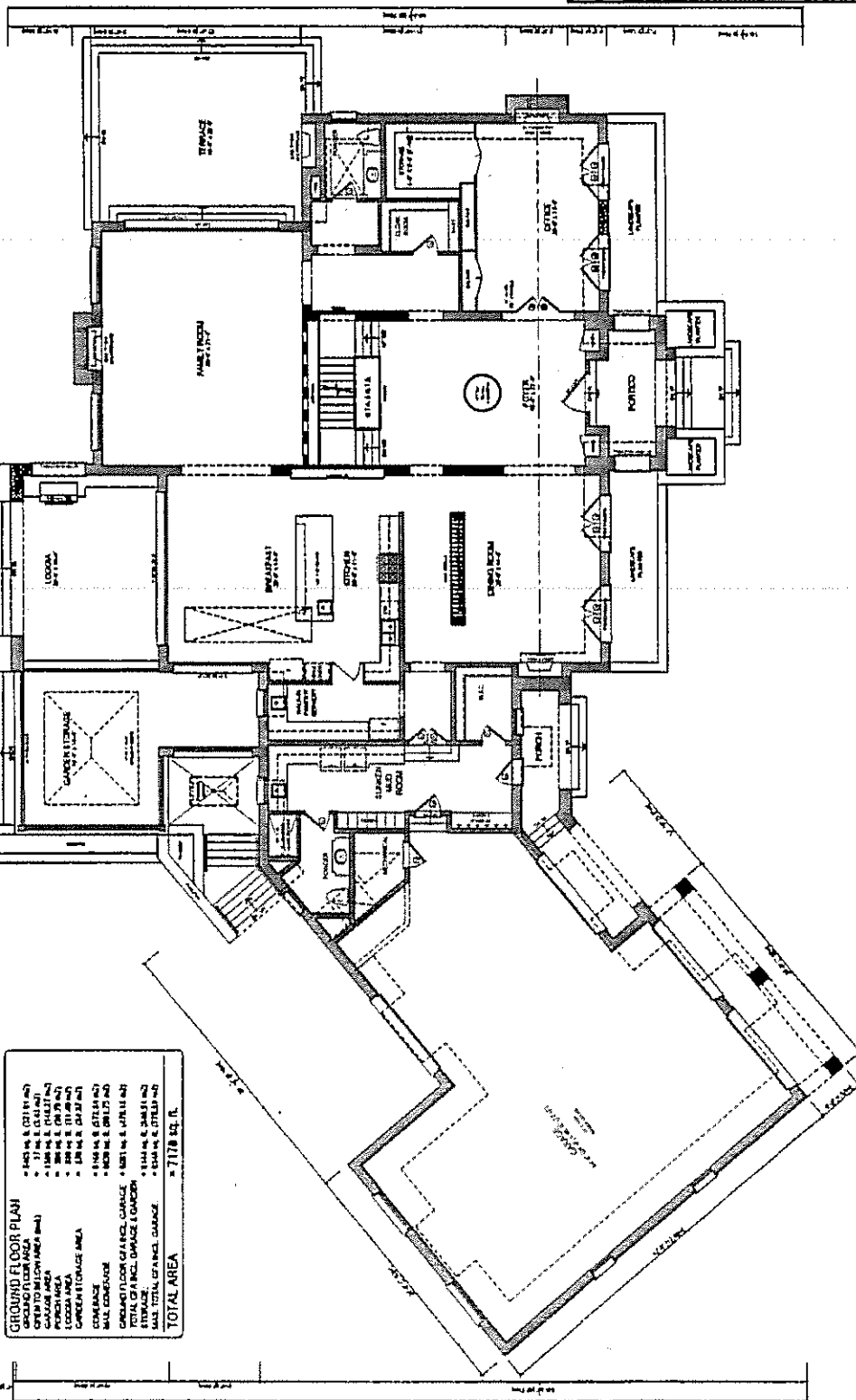
12052632 CHINTARO INC.	
PART OF LOT 25/26	
52 DOVE LANE CITY OF MARKHAM	
BASEMENT PLAN	
MFO	12/17/19
18-00	1 OF 8
5/2" = 1'-0"	

20 MEMPHIS AVENUE (SUITE 101) VADONIA, CT 06186-1403
PHONE (415) 904-1111 FAX (408) 521-1162 WWW.MEMPHISOFFICIALS.COM

PART OF LOT 25/26 - 52 DOVE LANE

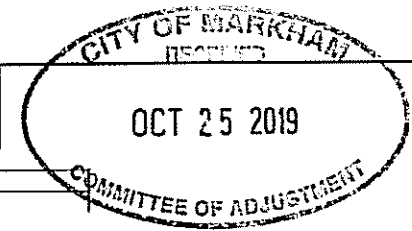
OCT 25 2019

COMMITTEE

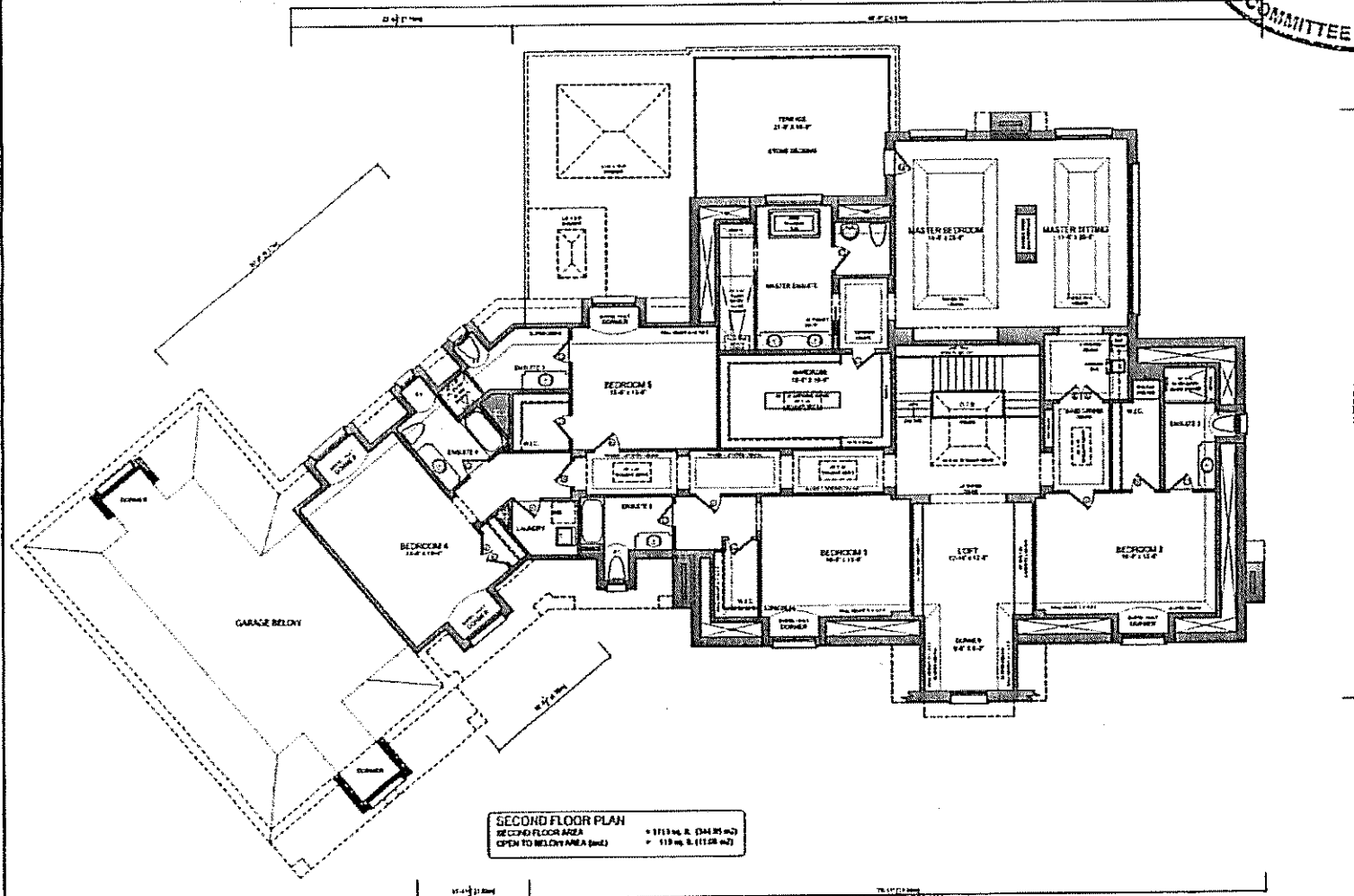
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130225 CRTALDO RES.	PART OF LOT 25225	52 DOVE LANE CITY OF MARKHAM	GROUND FLOOR PLAN	<table border="1"> <tr> <td>DATE</td> <td>12/17/18</td> </tr> <tr> <td>BY</td> <td>15-08</td> </tr> <tr> <td>SCALE</td> <td>1/8" = 1'-0"</td> </tr> </table>	DATE	12/17/18	BY	15-08	SCALE	1/8" = 1'-0"	2 OF 8
DATE	12/17/18										
BY	15-08										
SCALE	1/8" = 1'-0"										

PART OF LOT 25/26 - 52 DOVE LANE



IAN ROBERTSON DESIGN

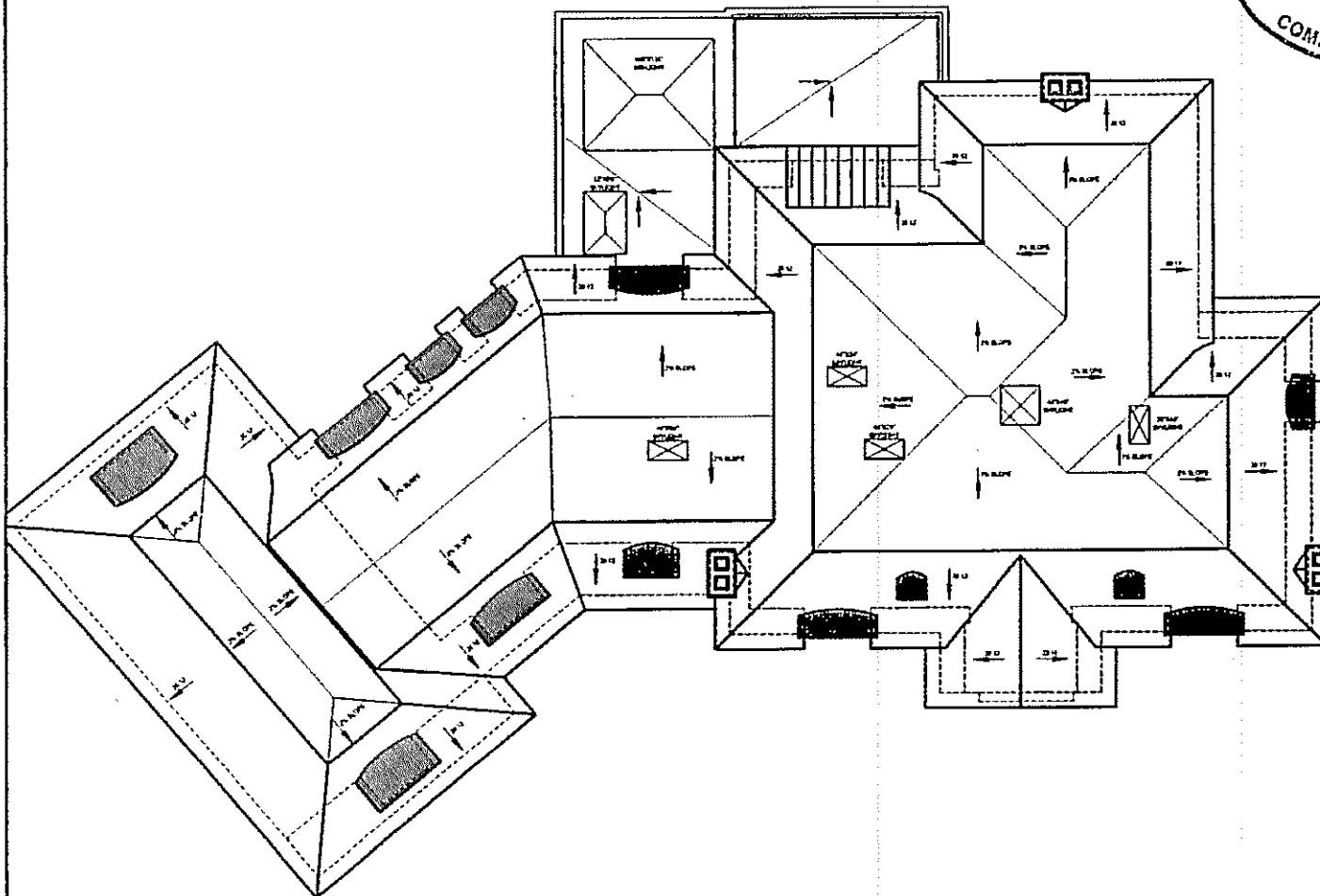


SECOND FLOOR PLAN
SECOND FLOOR AREA
OPEN TO BELOW AREA (sqft)
1113 sq. ft. (104.15 sq. m)
1113 sq. ft. (104.15 sq. m)

1205262 ONTARIO INC.	
PART OF LOT 25/26	
52 DOVE LANE CITY OF MARKHAM	
SECOND FLOOR PLAN	
SG	10/17/19
15-04	
3/3" = 1'-0"	3 OF 8

25 RIVINGTON ROAD UNIT 801, VAUGHAN, ONTARIO L4P 3T1
PHONE: (416) 800-1111 FAX: (416) 800-1112 WWW.IANROBERTSONDESIGN.COM

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 CITY OF MARKHAM
 OCT 25 2019
 COMMITTEE OF ADJUSTMENT

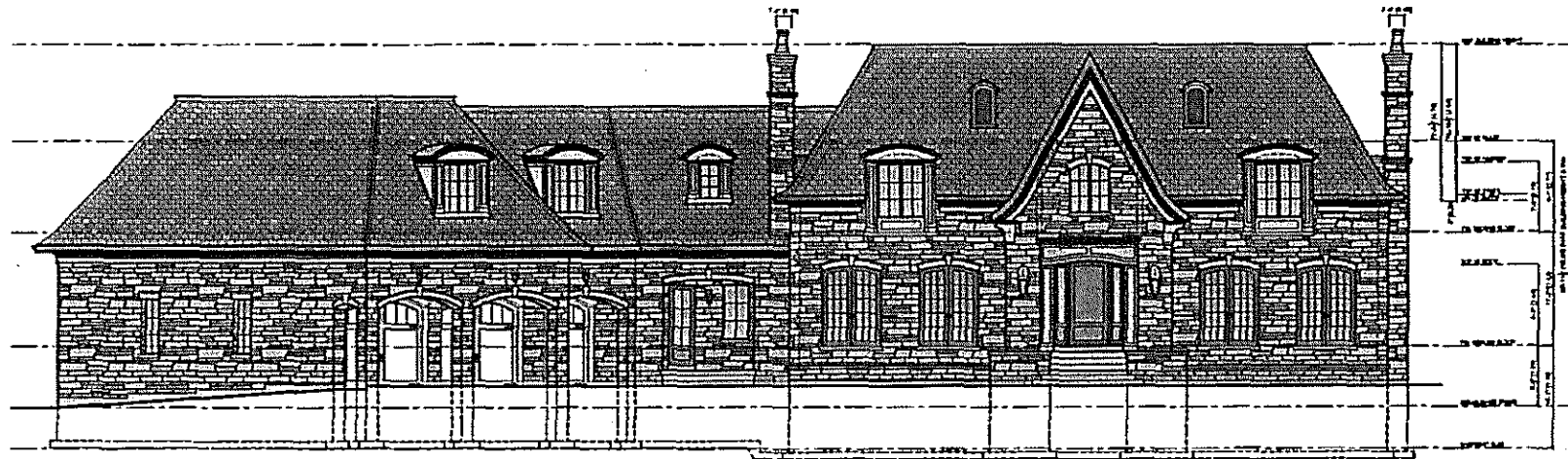
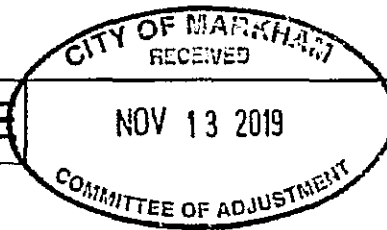


IAN ROBERTSON DESIGN

T205262 DONTARIO INC.	
PART OF LOT 25/26	
52 DOVE LANE CITY OF MARKHAM	
ROOF PLAN	
M/G	10/17/19
TR-08	3A OF 8

DE 19129740 Publication 7/20/01 OVID Electronic

PART OF LOT 25/26 - 52 DOVE LANE

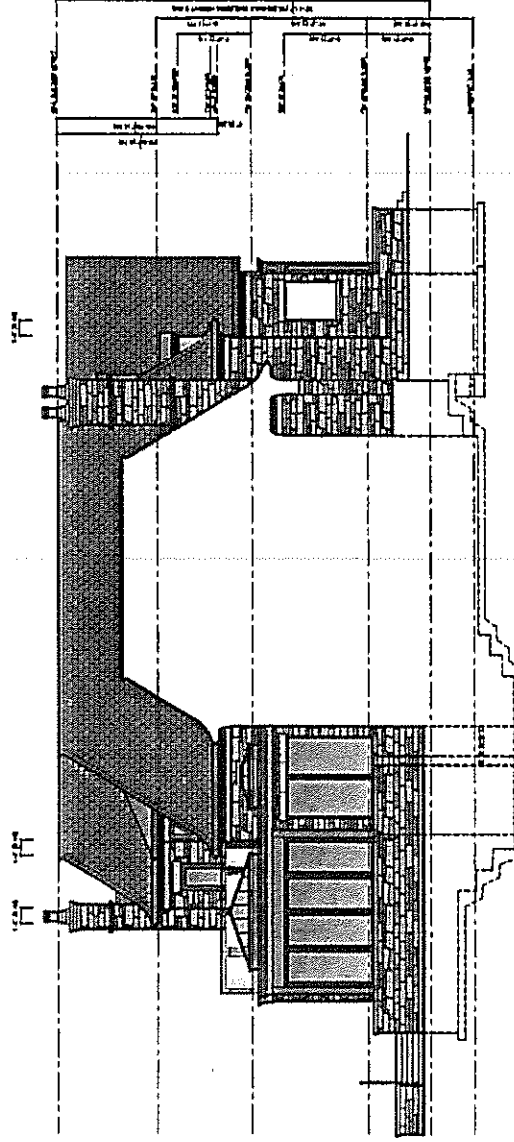


IAN ROBERTSON DESIGN

1204202 ONTARIO INC.	
PART OF LOT 25/26	
52 DOVE LANE CITY OF MARKHAM	
FRONT ELEVATION	
DATE 18-08	NOV 17/19
SHEET 3/13 = 1.0"	4 OF 8

PART OF LOT 25/26 - 52 DOVE LANE

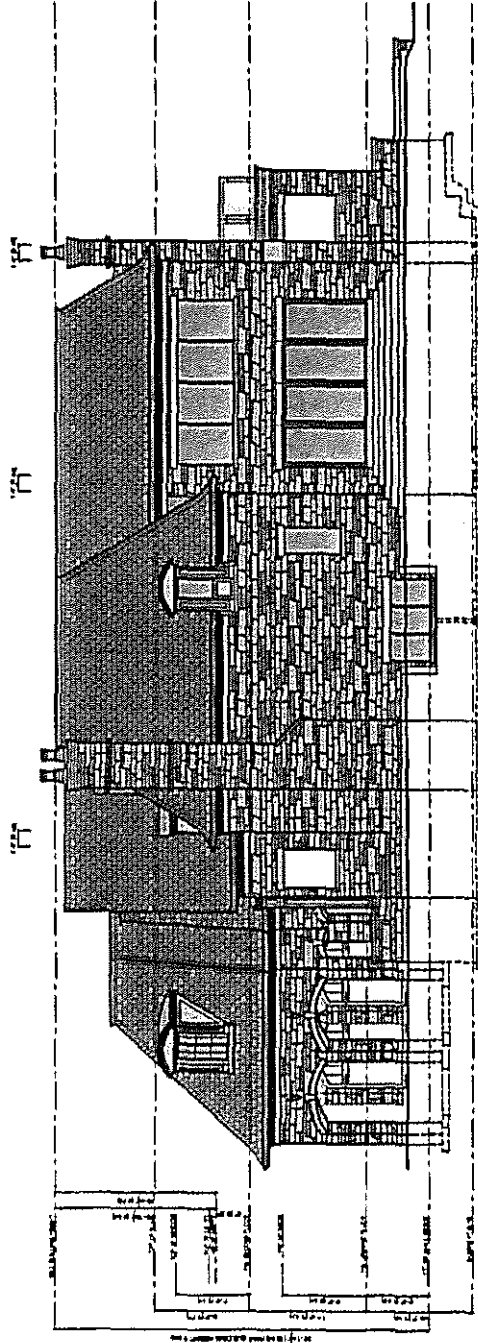
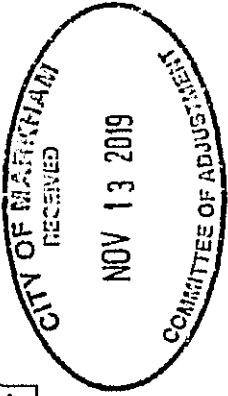
CITY OF MARKHAM
RECEIVED
NOV 13 2019
COMMITTEE OF ADJUSTMENT



135323 DITLAND INC.	
PART OF LOT 25/26	
52 DOVE LANE CITY OF MARKHAM	
LEFT SIDE ELEVATION	
DATE	10/17/19
BY	135323
CHECKED	135323
5 OF 8	

IAN ROBERTSON DESIGN

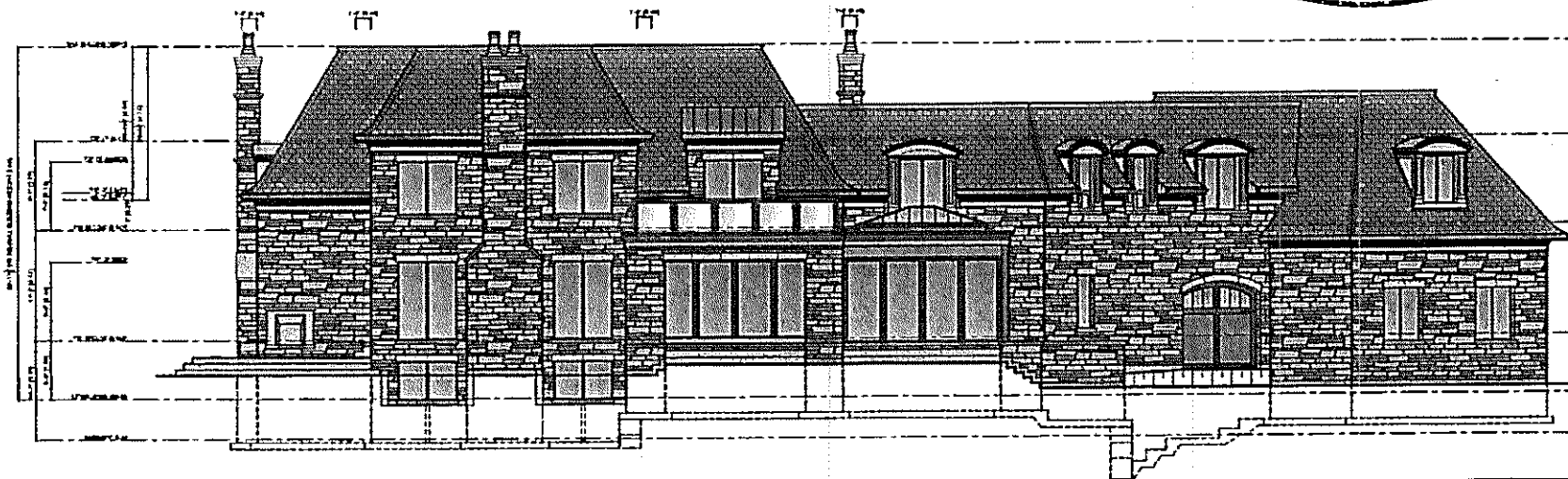
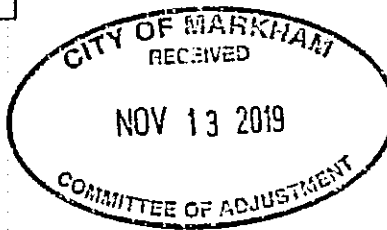
PART OF LOT 25/26 - 52 DOVE LANE



IAN ROBERTSON DESIGN

135323 ONTARIO INC.	
PART OF LOT 25/26	
52 DOVE LANE CITY OF MARKHAM	
RIGHT SIDE ELEVATION	
NO	19/11/19
NO	11/04
222' x 150'	
6 OF 8	

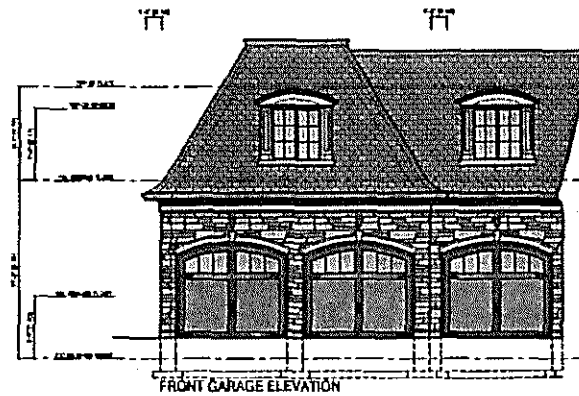
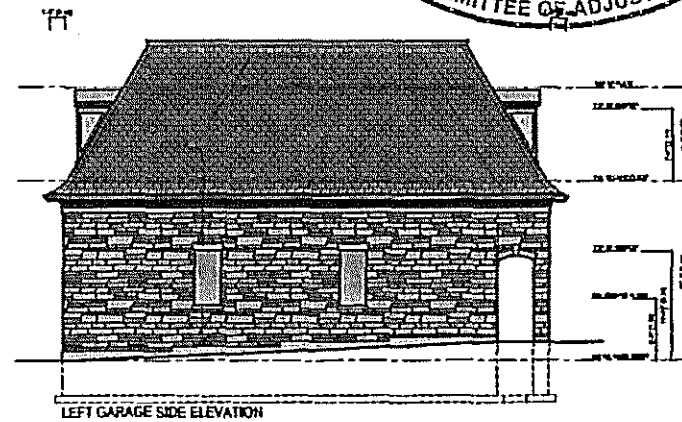
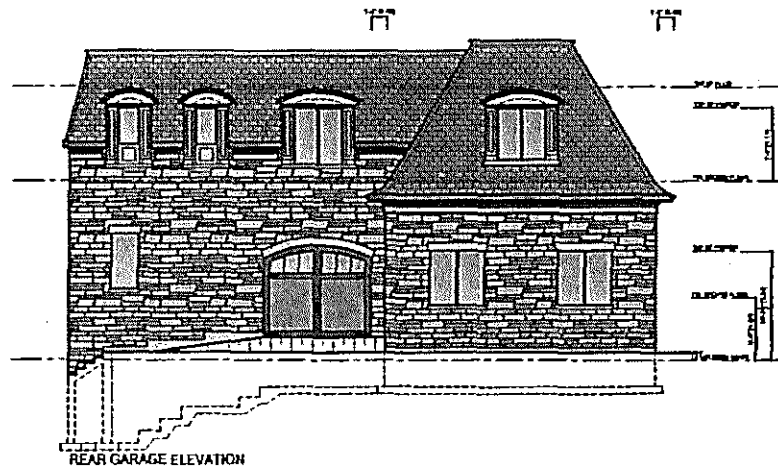
PART OF LOT 25/26 - 52 DOVE LANE



IAN ROBERTSON DESIGN

1735262 DONTAGO INC.	
PART OF LOT 25/26	
52 DOVE LANE CITY OF MARKHAM	
REAR ELEVATION	
MO	10/17/19
18-08	
3/37" x 1'-0"	7 OF 8

PART OF LOT 25/26 - 52 DOVE LANE



IAN ROBERTSON DESIGN

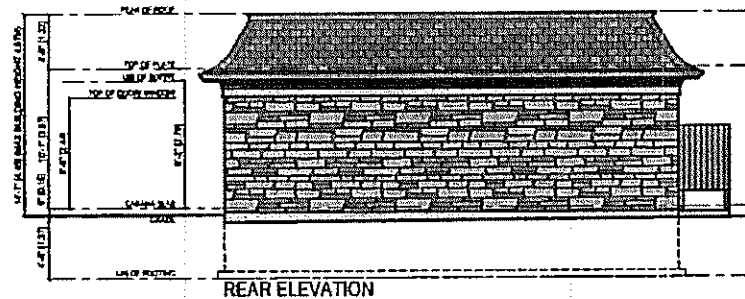
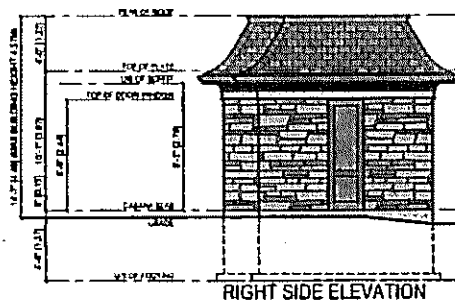
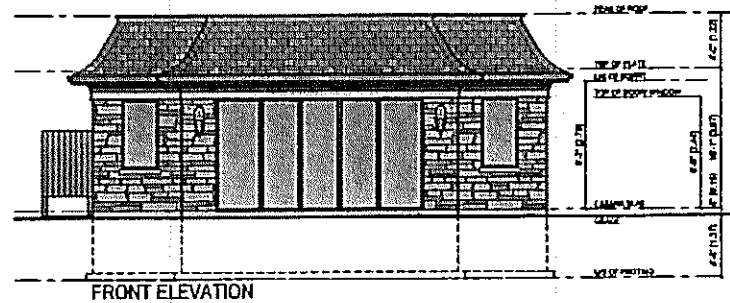
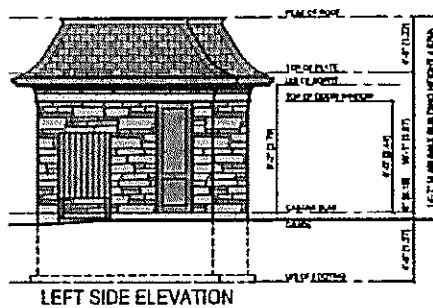
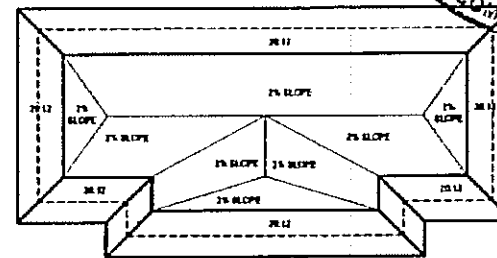
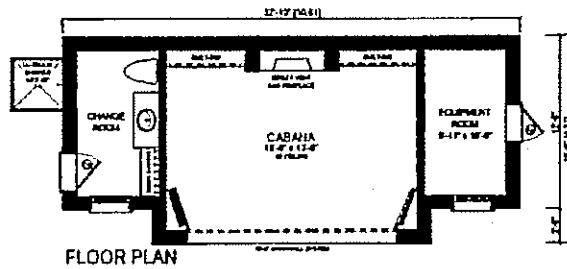
125582 ONTARIO INC.	
PART OF LOT 25/26	
52 DOVE LANE CITY OF MARKHAM	
GARAGE ELEVATIONS	
M/G	10/17/19
19-05	
SJT = 1-0"	8 OF 8

PART OF LOT 25/26 - 52 DOVE LANE

CITY OF MARKHAM
RECEIVED

OCT 25 2019

COMMITTEE OF ADJUSTMENT



1205242 ONTARIO INC.	
PART OF LOT 25/26	
52 DOVE LANE CITY OF MARKHAM	
CABANA	
NO.	10/17/19
DATE	10-08
SCALE	3/32" = 1'-0"
1 OF 1	

IAN ROBERTSON DESIGN

