# Memorandum to the City of Markham Committee of Adjustment August 28, 2018

File:	A/118/18
Address:	46 Timbermill Crescent, Markham
Applicant:	Gregory & Sandra Sommer
Agent:	Joseph N. Campitelli Architect Inc. (Joseph Campitelli)
Hearing Date:	Wednesday September 12, 2018

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

The applicant is requesting relief from the following requirements of By-law 153-80 RD, as amended:

#### a) Section 6.2.1:

a storage shed to be located in the side yard, whereas the By-law requires that accessory buildings be located in the rear yard;

- Amending By-law 121-87, Section 1.3 (iv): a minimum rear yard setback of 1.5 m, whereas the By-law requires a minimum rear yard setback of 7.5 m;
- b) Section 5.7 (a):

a maximum roof overhang projection of 1.72 m (south), whereas the By-law permits a maximum roof overhang projection of 0.45 m into any required yard;

as they relate to a proposed one-storey addition with loft space to an existing detached garage.

#### BACKGROUND

#### **Property Description**

The 1,289.17 m<sup>2</sup> (13,876.51 ft<sup>2</sup>) subject property is located on the north side of Timbermill Crescent, south of 16<sup>th</sup> Avenue and west of Peter Street. The property is located within an established residential neighbourhood comprised of two-storey detached dwellings. There is an existing two-storey detached 291 m<sup>2</sup> (3,133 ft<sup>2</sup>) dwelling with a detached garage and accessory building on the property, which according to assessment records were constructed in 1850 and 1970 respectively. Mature vegetation exists across the property.

The existing dwelling is a unique lot in the neighbourhood that fronts onto 16<sup>th</sup> avenue. The subject dwelling was re-addressed and is required to close off the existing driveway access from 16<sup>th</sup>, and open a driveway access on Timbermill Crescent.

#### Proposal

The applicant is proposing to construct a 45 m<sup>2</sup> (487 ft<sup>2</sup>) addition to the existing 85 m<sup>2</sup> (921 ft<sup>2</sup>) accessory building (i.e. the garage), connecting it to the main 121 m<sup>2</sup> (1,311 ft<sup>2</sup>) dwelling on the property (See Appendix 'A').

## **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 153-80

The subject property is zoned RD 'Residential Development' under By-law 153-80, as amended, which permits one single detached dwelling. The proposed development does not comply with the by-law with respect to the storage shed location, minimum rear yard setback and maximum roof overhang projection.

## 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, "existing accessory structure (garage blt approx. 1970 where by-law changed 1980) is legal non-conforming structure with the current zoning regulations. According to site layout with existing structures and driveway/house access the only possible location for a storage shed was to locate it in the side yard. Heritage would not support shed in front of the house and there is not available space in the rear yard due to Timbermill development after the year 1982".

## Zoning Preliminary Review Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed development. It is the owner's responsibility to provide accurate information to Zoning in order that all the variances required for the proposed development can be identified. If the information provided by the owner is incomplete or contains errors then additional variances may be identified during the Building Permit review process and further variance application(s) may be required to address any 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.

## Side Yard Accessory Building

The applicant is requesting relief to permit a storage shed in the side yard, whereas the By-law requires that accessory buildings be located in the rear yard. The lot is a unique shape unlike any other along the same street. It provides sufficient space in the side yard for an accessory building, which does not take away significant amenity space. Further, the existing 9.7 m<sup>2</sup> (104 ft<sup>2</sup>) shed is over 5.78 m (19.96 ft) from the property to its west, ensuring adequate separation between the shed and neighbouring house. Staff have no concerns with the requested variance.

## Reduction in Rear Yard Setback

The applicant is requesting relief to permit a minimum rear yard setback of 4.9 ft (1.5 m), whereas the By-law requires a minimum rear yard setback of 24.6 ft (7.5 m). This represents a reduction of approximately 19.7 ft (6 m). The proposed addition connects the accessory building to the main dwelling. Consequently, the accessory building is considered the main dwelling and is required to comply with the By-law requirements for the main dwelling. The variance is entirely attributable

to the existing accessory building now being required to meet the setbacks of the main dwelling. Staff have no objection to the requested variance.

#### Increase in Maximum Eaves/roofed Encroachment

The applicant is requesting a maximum eaves encroachment of 67.6 in (1.72 m) into the rear yard, whereas the By-law permits a maximum eaves encroachment of 17.64 in (0.45 m). This represents a difference of approximately 50 in (1.27 m). The variance is entirely attributable to the existing accessory building, which is required to meet the setbacks of the main dwelling, as discussed above.

## PUBLIC INPUT SUMMARY

No written submissions were received as of August 28, 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. The applicant is applying for the variances for existing structures on the property. The subject property is regulated under a zone separate from neighbouring properties. Given the unique shape of the lot and ample yard space, staff are of the opinion that the variances are appropriate for the lot. 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:** 

Yauroh !!

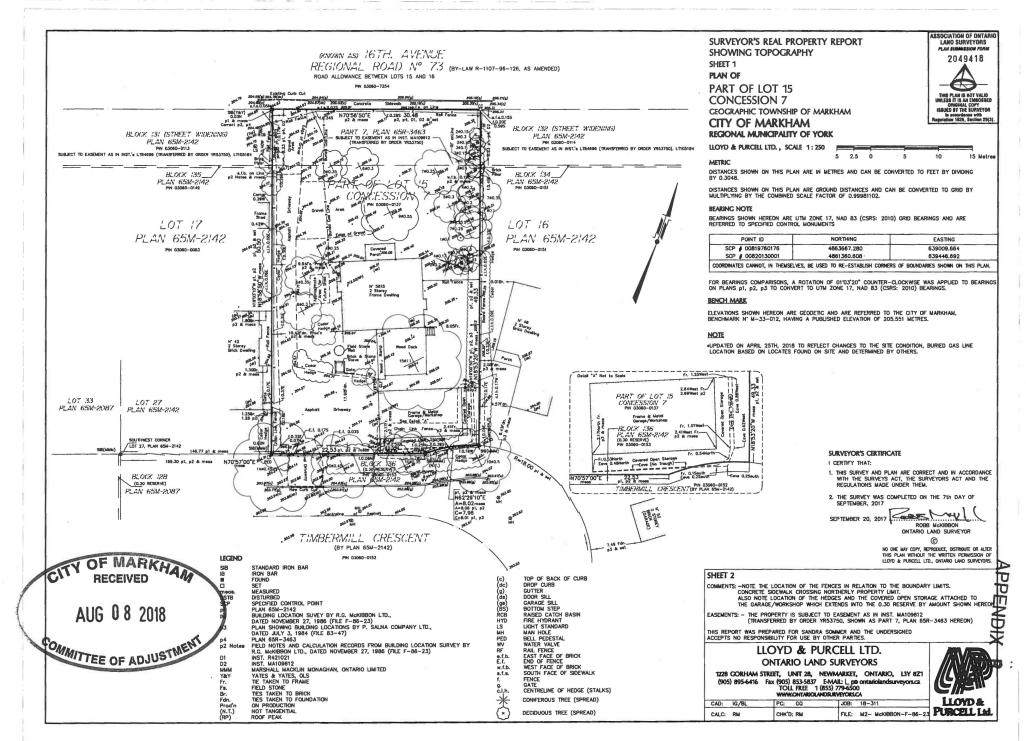
Sally Campbell, Development Manager, East District File Path: Amanda\File\ 18 242582 \Documents\District Team Comments Memo

## APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/118/18

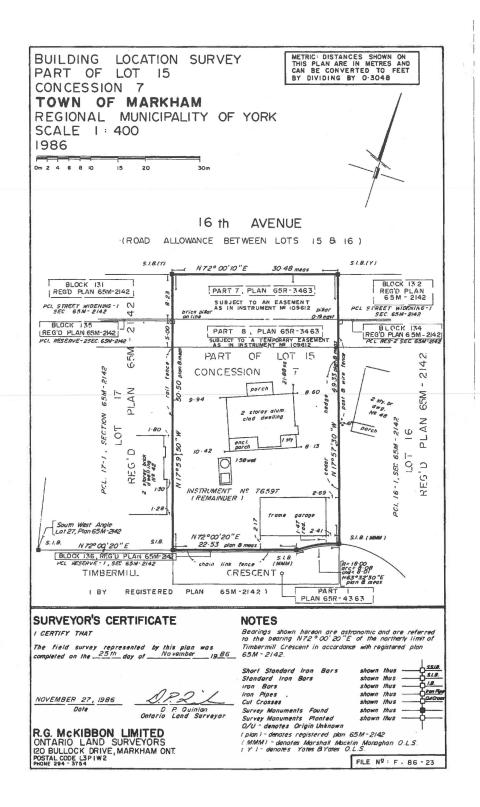
- 1. That the driveway access from 16<sup>th</sup> avenue be closed;
- 2. The variances apply only to the proposed development as long as it remains;
- 3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on August 08 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;
- 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



¥.



Copyright © 2004 Land Survey Records Inc. All rights reserved. Document provided through www.landsurveyrecords.com



#### SOMMER FAMILY RESIDENCE PROPOSED ADDITION TO EXISTING ACCESSORY BUILDING - NEW STUDIO

46 TIMBERMILL CRESCENT MARKHAM, ON

PROJECT NO: 255.18

#### DRAWING LIST:

A.000 COVER PAGE

- A.100 COVER PAGE A.100 PROPOSED SITE PLAN A.201 EXISTING HOUSE BASEMENT. GROUND + 2ND FLOOR PLANS A.202 EXISTING HOUSE ROOF PLAN
- A203 EXISTING WEST + EAST ELEVATIONS
- A204 EXISTING WOATH + SOUTH ELEVATIONS A301 PROPOSED GROUND FLOOR PLAN A302 PROPOSED SECOND FLOOR PLAN

- A 302 PROPOSED SECOND FLOOR FLOOR FLOOR A 303 PROPOSED ROOF PLAN A 401 EXISTING WEST+ EAST ELEVATIONS A 402 ACCESSORY BUILDING PROPOSED NORTH + SOUTH ELEVATIONS, SECTIONS

ISSUED FOR MINOR VARIANCE APPLICATION DATE: AUGUST 03, 2018



SOMMER FAMILY RESIDENCE PROFOSED ADDITION TO EXISTING ACCESSORY BUILDING - NEW STUDIO 44 TIMEENABLE CRESCENT

C A M P I T E L L I Anchitect Inc.

JOSEPH N

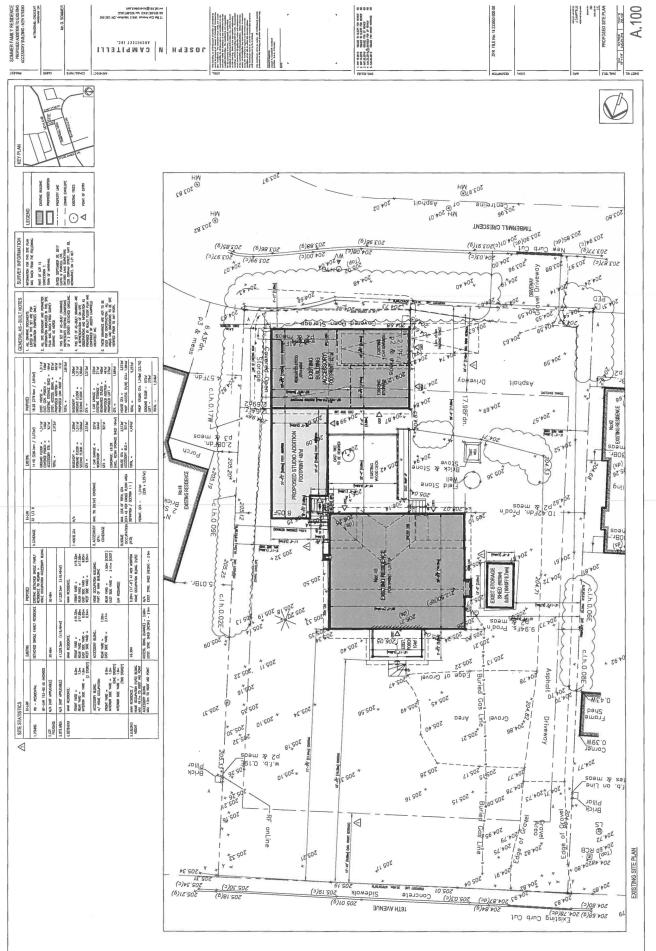
Standingsoft

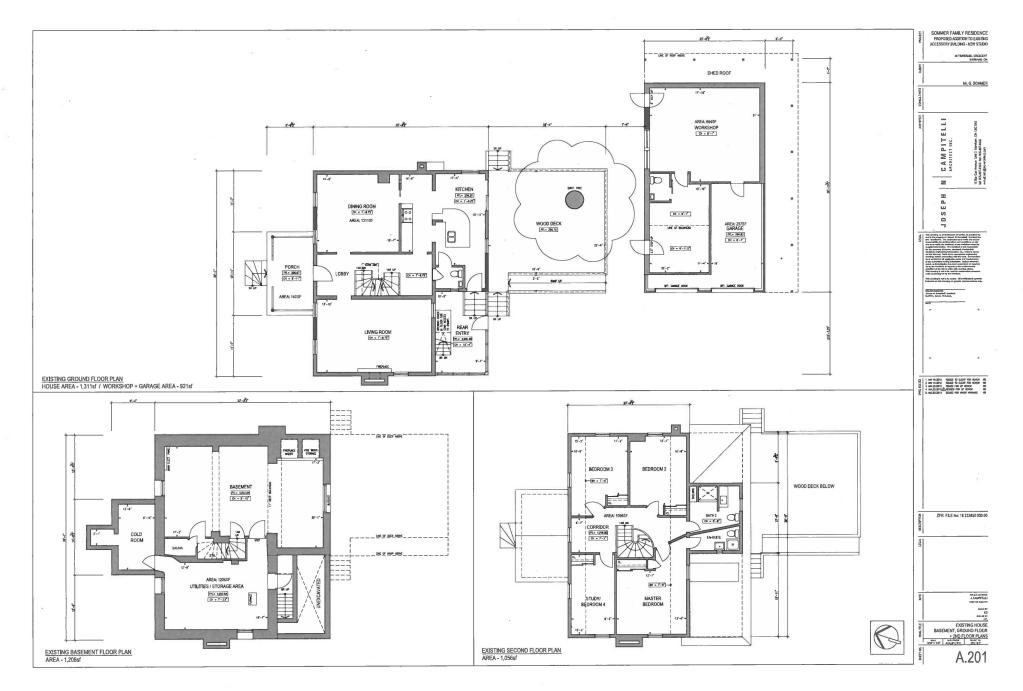
Mr. G. SCHMER

1 B IC Bu Ca

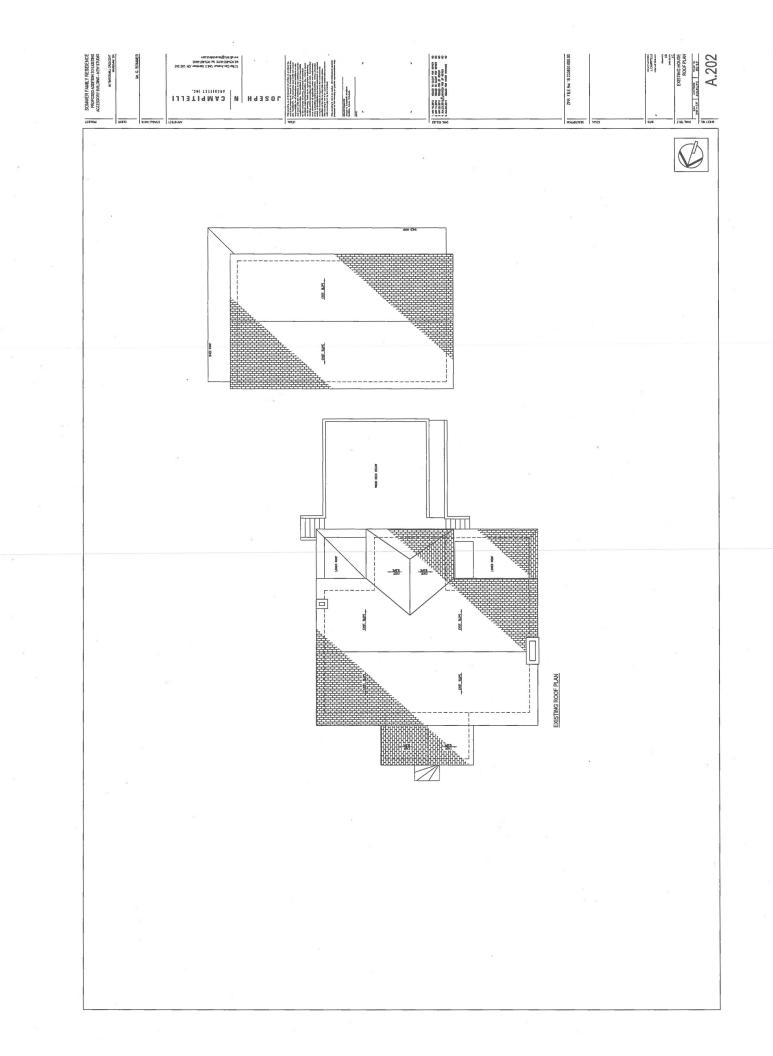
L CAMPTELLI RD SCOVER PAGE NTA AUGUSTIN REALTING A.000

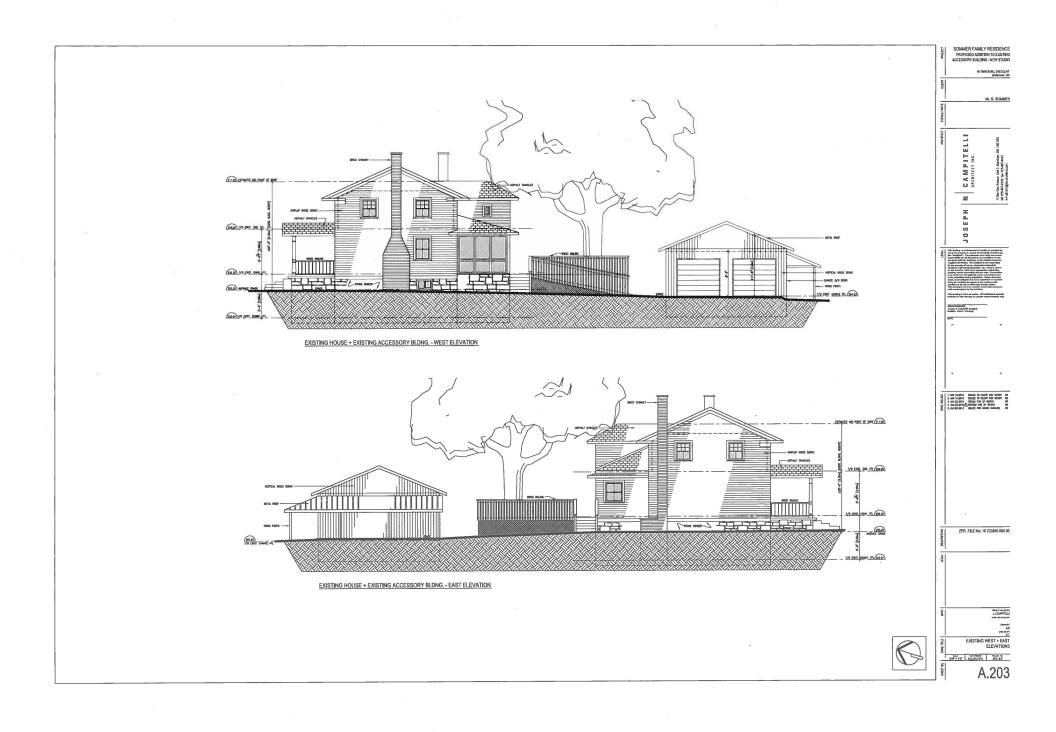
뷥

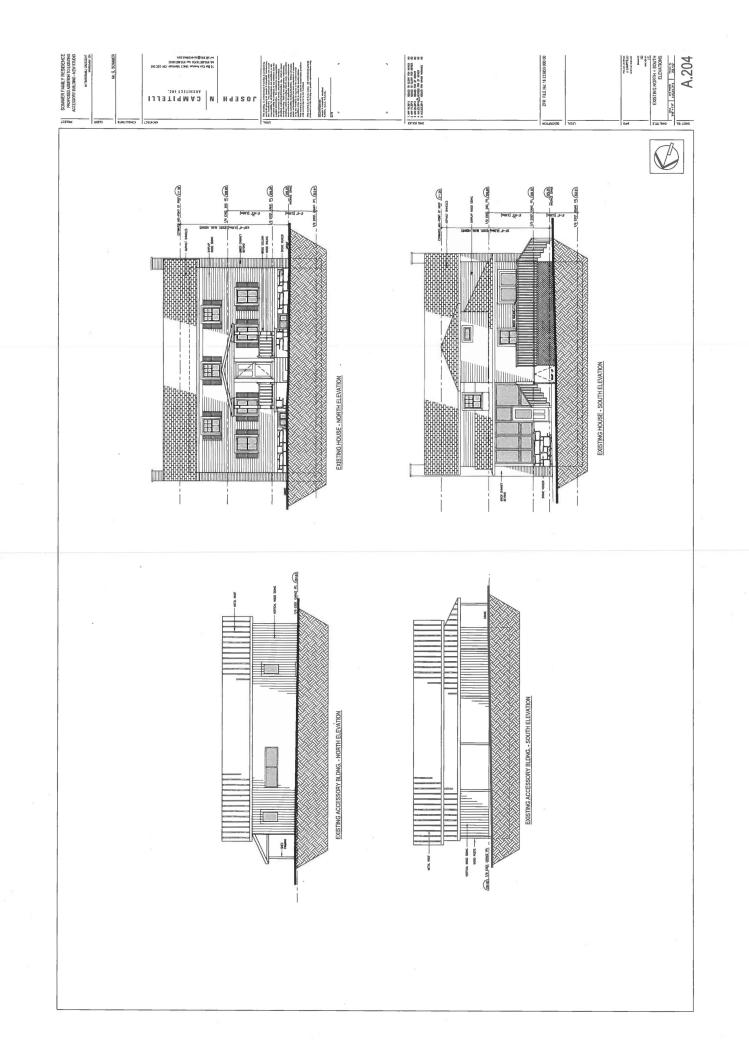


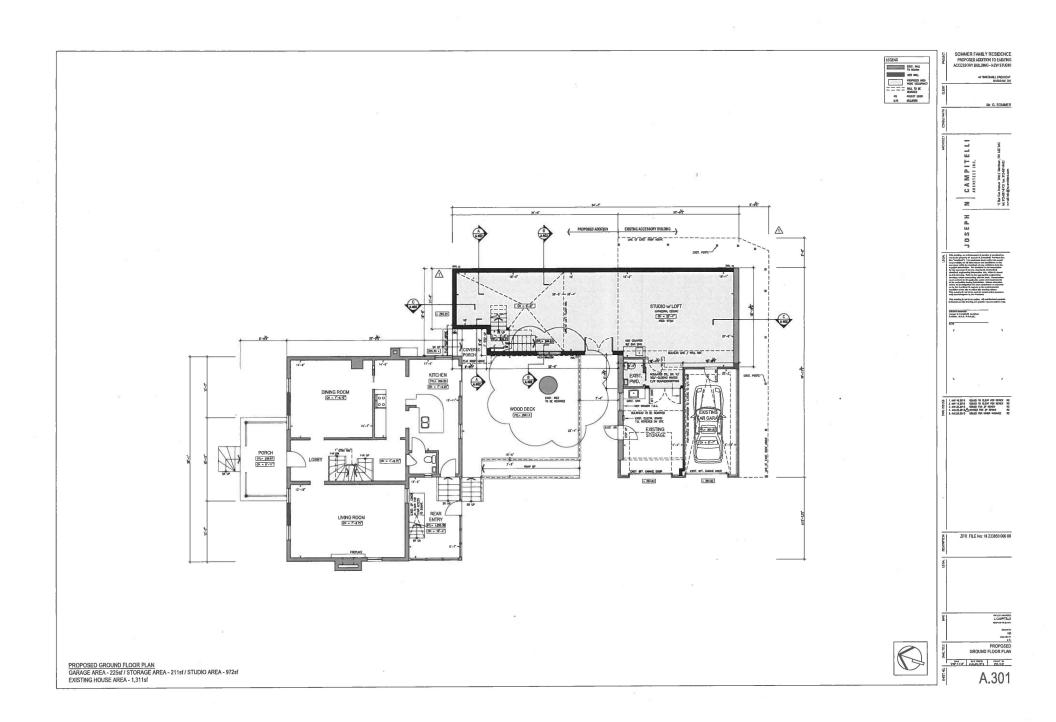


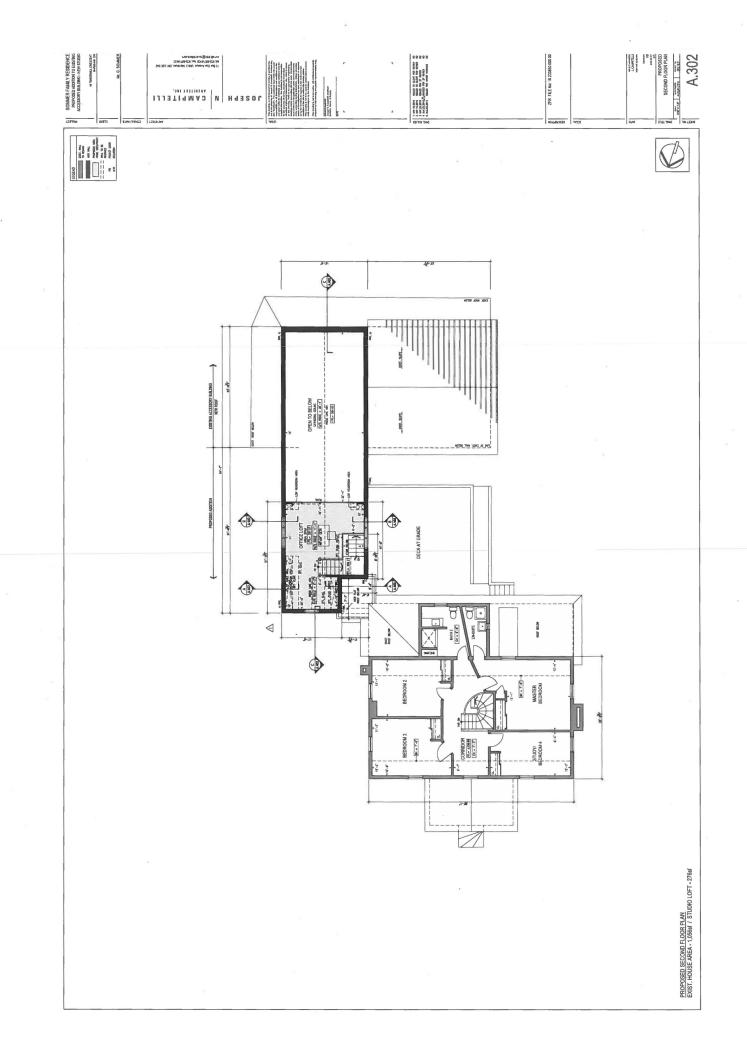
.

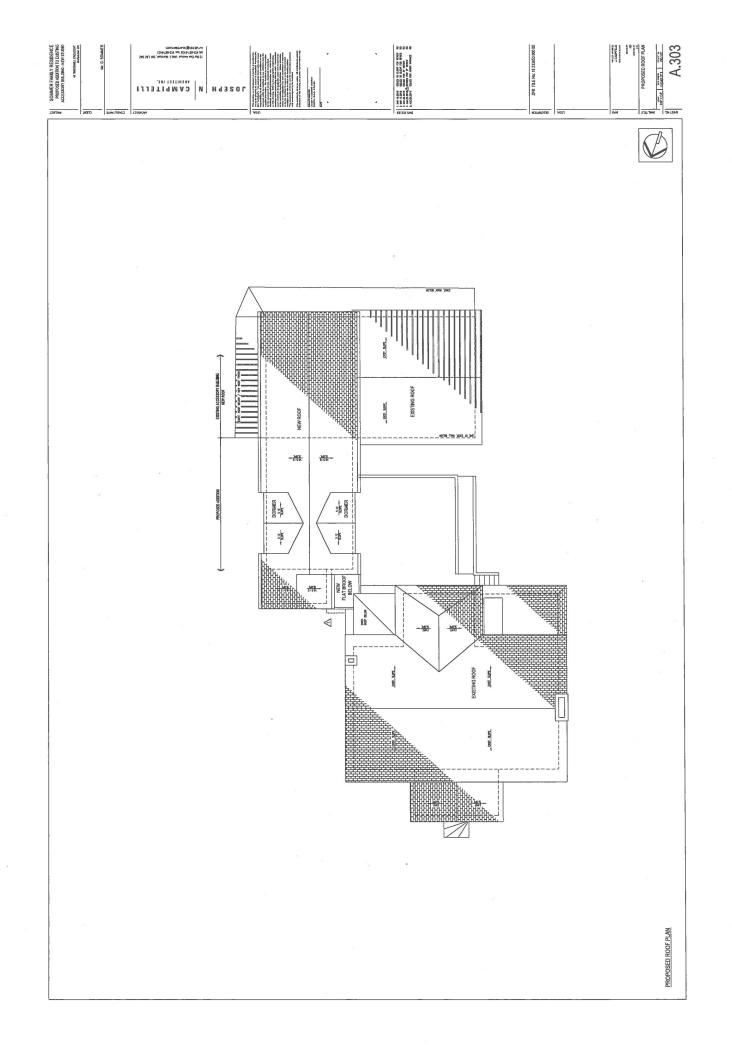


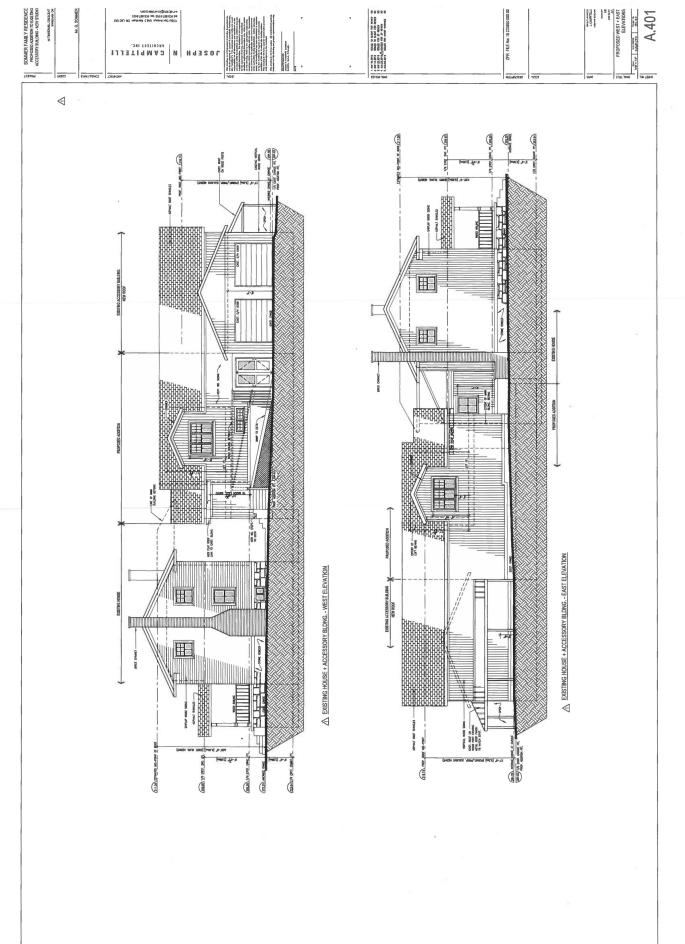


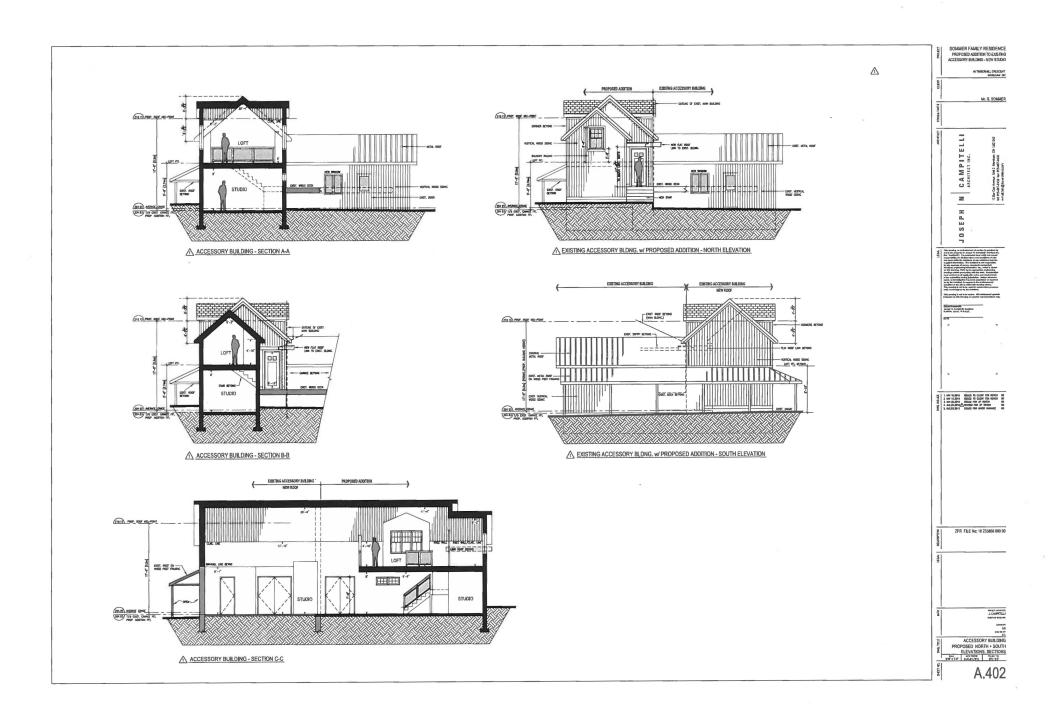












.