

Memorandum to the City of Markham Committee of Adjustment
September 4, 2018

File: A/125/18, A/126/18 and A/127/18
Address: 20 & 96 Mohandas Drive and 30 Reddington Road, Markham
Applicant: Forest Bay Homes Ltd. (Corey Leibel)
Agent: Forest Bay Homes Ltd. (Clay Leibel)
Hearing Date: Wednesday September 12, 2018

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

The applicant is requesting relief from the requirements of By-law 90-81, as amended, R9, as it relates to proposed detached dwellings on Registered Plan of Subdivision 19TM-98019:

A/125/18 - Lot 23 (20 Mohandas Drive)

- a) Section 4.6 (a):
a maximum projection of 1.44 m for a roofed porch with unenclosed sides and steps, whereas the By-law permits a maximum projection of 0.45 m for roofed porches with unenclosed sides and steps.

A/126/18 - Lot 41 (96 Mohandas Drive)

- a) Section 4.6 (a):
a maximum projection of 1.41 m for a roofed porch with unenclosed sides and steps, whereas the By-law permits a maximum projection of 0.45 m for roofed porches with unenclosed sides and steps.

A/127/18 - Lot 129 (30 Reddington Road)

- a) Section 4.6 (a):
a maximum projection of 1.43 m for a roofed porch with unenclosed sides and steps, whereas the By-law permits a maximum projection of 0.45 m for roofed porches with unenclosed sides and steps.

BACKGROUND

Property Description

The subject applications relate to three (3) single detached residential lots on Plan of Subdivision 19TM-98019 (hereafter referred to as "the subdivision"), which was registered on August 1, 2018. Site-specific Zoning By-law 2015-6 was approved by the Ontario Municipal Board on November 17, 2014 to amend the provisions of Zoning By-laws 90-81 and 304-87 to permit the proposed development.

The subdivision is located north of Steeles Avenue East and east of Markham Road. All three of the lots that are the subject of these applications are corner lots that are interior to the subdivision.

Proposal

The applicant is proposing to construct a single detached dwelling on each of the subject lots referred to above. Relief is requested for projection of roofed porches with unenclosed sides and steps into the required flankage yard.

Official Plan and Zoning

Official Plan 2014, as partially approved on November 24, 2017 and further updated on April 9, 2018

The Official Plan 2014 designates the subject properties 'Residential – Low Rise,' which provides for low-rise housing forms including single detached dwellings.

Zoning By-law

The subject properties are zoned R9 under By-law 90-81, as amended, which permits single detached dwellings. The proposed projection of roofed porches with unenclosed sides and steps into the required flankage yard exceeds the By-law maximum of 0.45 m (1.48 ft).

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

The applicant's stated reasons for not complying with the zoning, as provided in the application forms, are as follows: "Lot width is insufficient for a 12 m model as urban design requirement for flankage porch."

Zoning Preliminary Review Not Undertaken

The applicant has not completed a Zoning Preliminary Review to confirm the variances required for the proposed development. It is the owner's responsibility to ensure that the applications have accurately identified all of the variances to the Zoning By-law required for the proposed development. If the variances in the application contain errors, or if the need for additional variances is identified during the Building Permit review process, further variances application(s) may be required to address the outstanding matters and there will be a delay in application processing.

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.

On all three of the subject properties, the main component of the proposed dwelling is within the required setbacks, including the required 3 m (9.84 ft) flankage yard setback. The proposed porches on the flankage sides extend less than half of the depth of the dwelling and feature unenclosed sides, with steps partly set back from the street. Given the modest size of the porches and their visual and functional enhancements to the proposed dwellings, staff are of the opinion that they are appropriate for these corner properties. Further details are provided below on a property-specific basis.

A/125/18 - Lot 23 (20 Mohandas Drive)

The applicant is requesting relief to permit a maximum projection of 1.44 m (4.72 ft) for a roofed porch with unenclosed sides and steps, whereas the By-law permits a maximum projection of 0.45 m (1.48 ft) for roofed porches with unenclosed sides and steps. This represents a 0.99 m (3.25 ft) increase when compared to the By-law requirement. The proposed steps are set back further from the street; they encroach 0.87 m (2.85 ft) into the required flankage yard, for an increase of 0.42 m (1.38 ft) when compared to the By-law requirement.

Staff note that a mailbox is to be located in close proximity to the proposed porch. Permitting the porch to project into the required flankage yard could potentially impact access to the mailbox. It is a recommended condition of approval that the owner obtain written confirmation from Canada Post that no easements are adversely impacted by the proposed porch projection.

A/126/18 - Lot 41 (96 Mohandas Drive)

The applicant is requesting relief to permit a maximum projection of 1.41 m (4.63 ft) for a roofed porch with unenclosed sides and steps, whereas the By-law permits a maximum projection of 0.45 m (1.48 ft) for roofed porches with unenclosed sides and steps. This represents a 0.96 m (3.15 ft) increase when compared to the By-law requirement. The proposed steps are set back further from the street; they encroach 0.87 m (2.85 ft) into the required flankage yard for an increase of 0.42 m (1.38 ft) when compared to the By-law requirement.

A/127/18 - Lot 129 (30 Reddington Road)

The applicant is requesting relief to permit a maximum projection of 1.43 m (4.69 ft) for a roofed porch with unenclosed sides and steps, whereas the By-law permits a maximum projection of 0.45 m (1.48 ft) for roofed porches with unenclosed sides and steps. This represents a 0.98 m (3.22 ft) increase when compared to the By-law requirement. The proposed steps are set back further from the street; they encroach 0.91 m (2.99 ft) into the required flankage yard for an increase of 0.46 m (1.51 ft) when compared to the By-law requirement.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 4, 2018. Additional information may be received after the writing of this report; the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Staff are of the opinion that the variances satisfy the four tests of the Planning Act and have no objection to their approval. It is recommended 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 Appendices "A" and "B" for conditions to be attached to any approval of the subject applications.

PREPARED BY:



Greg Hayes, Committee of Adjustment Technician, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/125/18

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 "C" to this Staff Report and date-stamped as received August 20, 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. That the owner provide to the Secretary-Treasurer written confirmation from Canada Post to indicate that no easements are adversely impacted by the proposed porch and stairs projection.
4. That the Secretary-Treasurer receives written confirmation from Toronto and Region Conservation Authority (TRCA) that the financial requirements indicated in the letter dated August 23, 2018 (attached as Appendix D) have been fulfilled to the satisfaction of Toronto and Region Conservation Authority (TRCA).

CONDITIONS PREPARED BY:



Greg Hayes, Committee of Adjustment Technician, Zoning and Special Projects

APPENDIX "B"

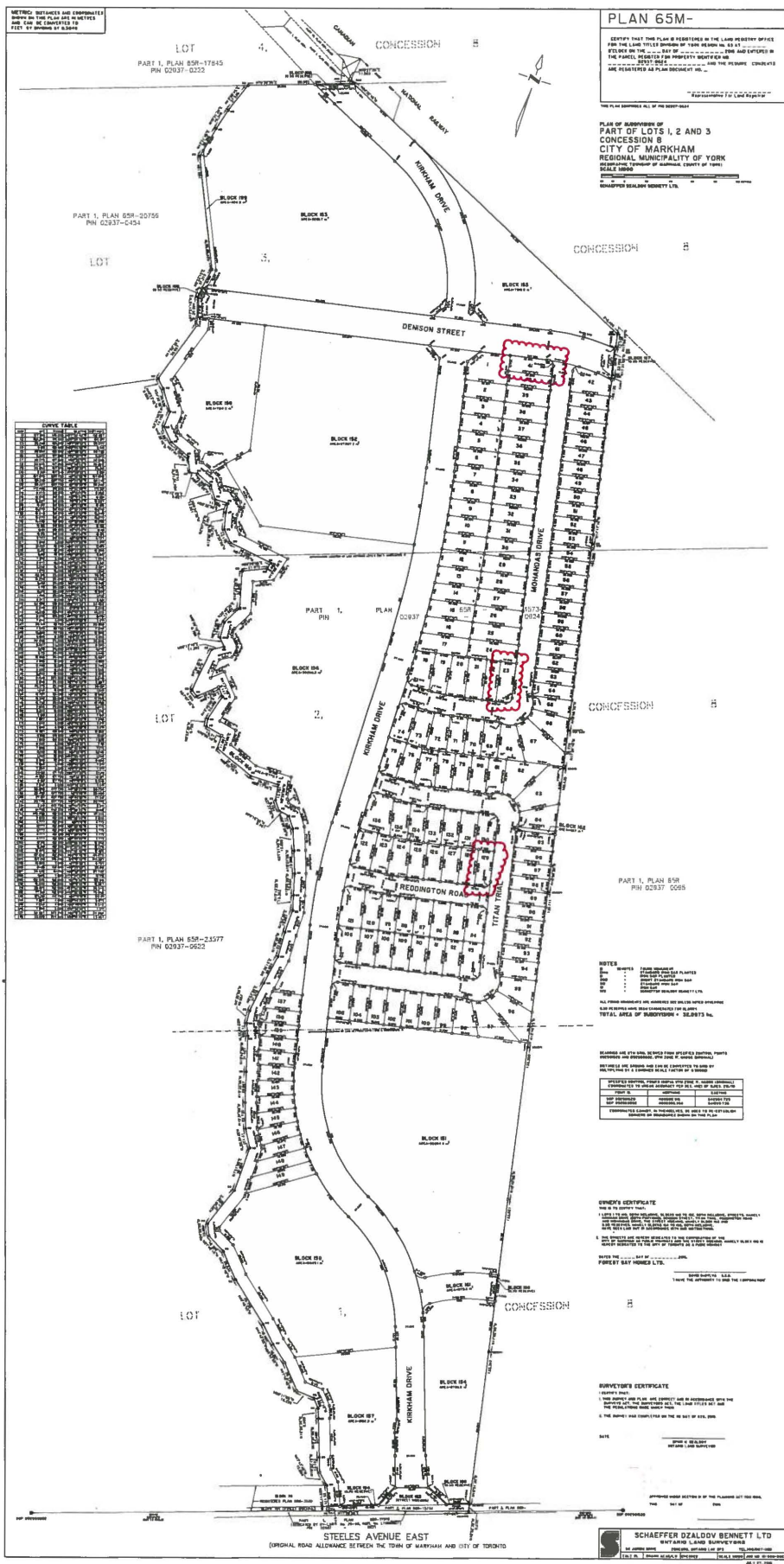
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILES A/126/18 and A/127/18

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 "C" to this Staff Report and date-stamped as received August 20, 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. That the Secretary-Treasurer receives written confirmation from Toronto and Region Conservation Authority (TRCA) that the financial requirements indicated in the letter dated August 23, 2018 (attached as Appendix D) have been fulfilled to the satisfaction of Toronto and Region Conservation Authority (TRCA).

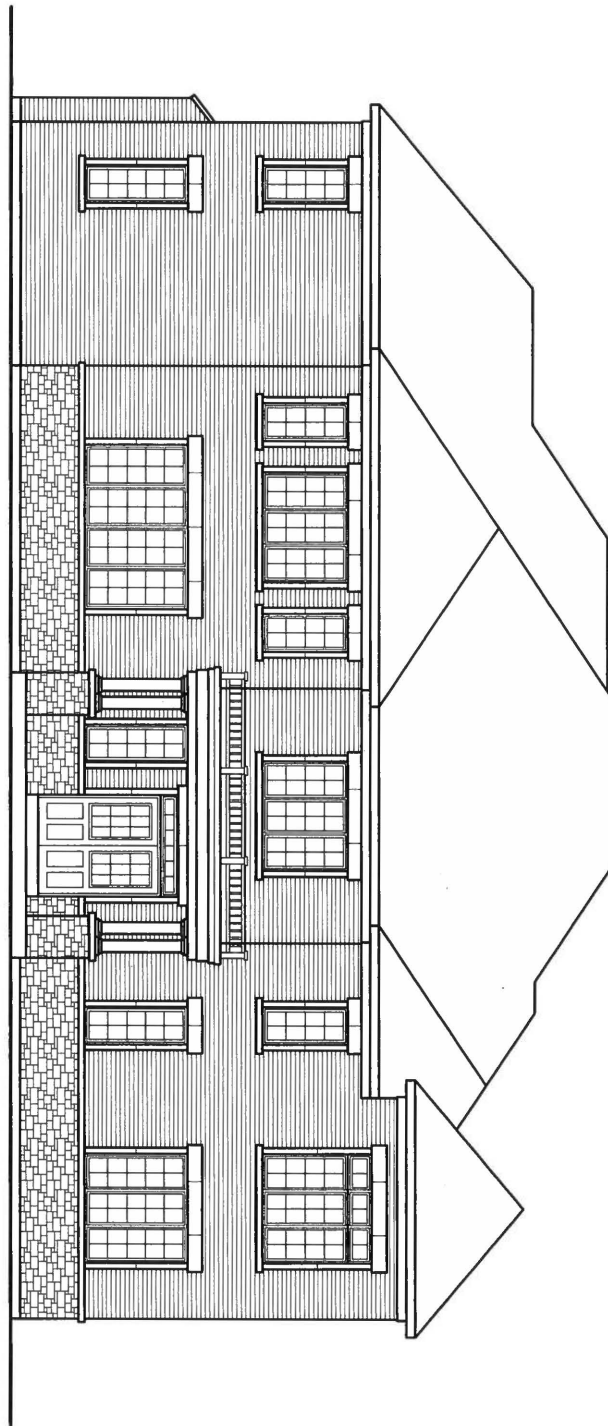
CONDITIONS PREPARED BY:



Greg Hayes, Committee of Adjustment Technician, Zoning and Special Projects



FLANKAGE ELEVATION 'A'



CALEXICO HOLDINGS INC.

FAIRTREE ON THE ROUGE

MARKHAM ON

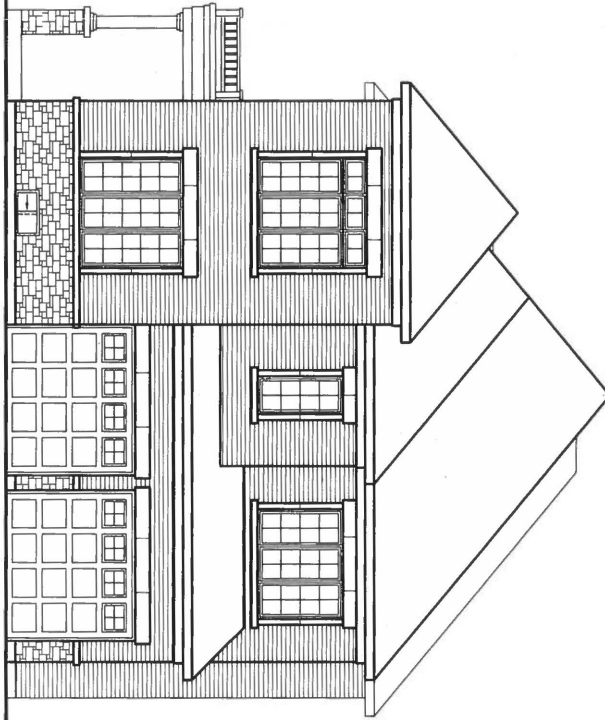
VA3 Design

A/125/18

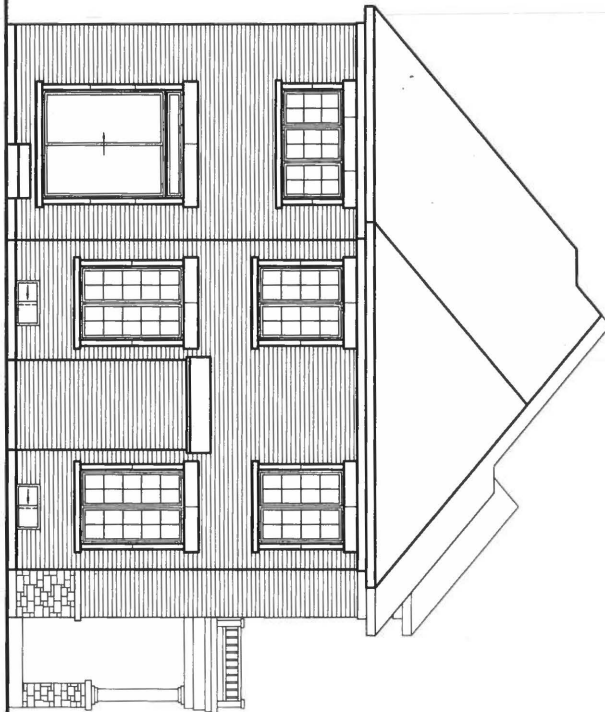
AREA 3454 SF

S40-6C

FRONT ELEVATION 'A'



REAR ELEVATION 'A'



CALEXICO HOLDINGS INC.

FAIRTREE ON THE ROUGE

MARKHAM ON

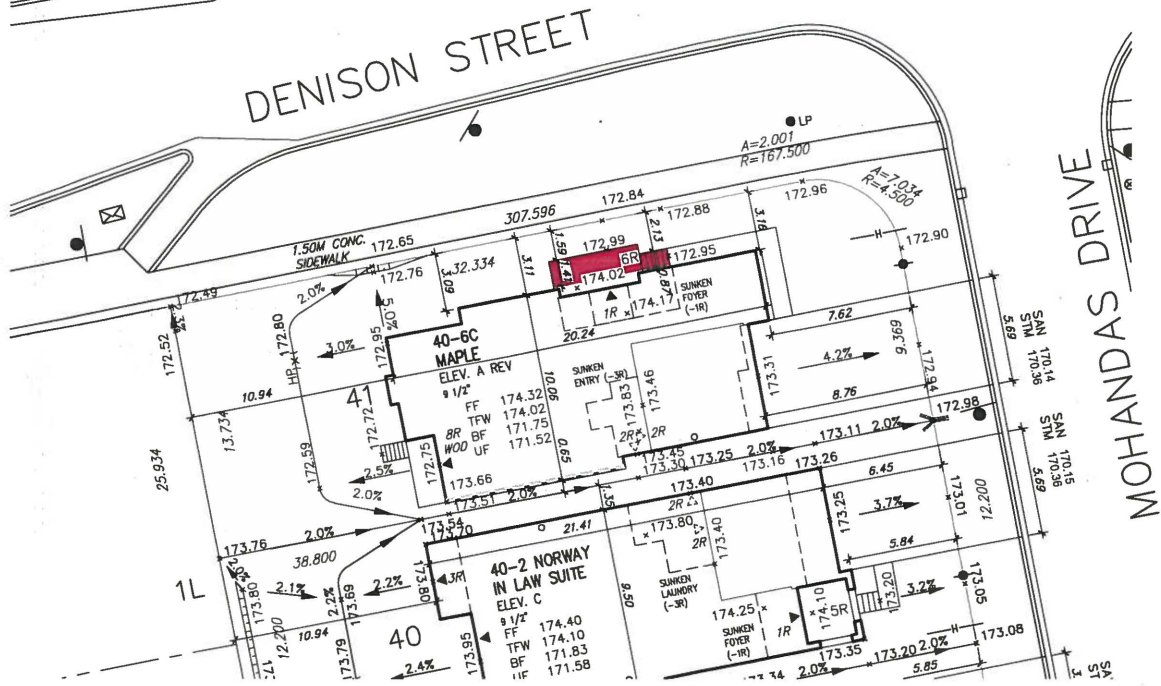
VA3 Design

A/125/18

AREA 3454 SF

S40-6C

A/126/18



Grading Notes:
It shall be the responsibility of the builder to have all grades and services verified and checked before construction by an approved grading engineer. These grades and the placement of storm and sanitary services off the street are to meet the requirements of the municipality having jurisdiction.

VAS Design Inc. is to be notified promptly of any discrepancies at least 1 (one) week prior to excavation commences in order that the building can be re-sited. Failure to observe these conditions may require expensive remedial action that will not be the responsibility of or cost to VAS Design Inc. Foundation wall shall be poured to a minimum of 6" above approved grades.

Finished grade lines as indicated on the house prototype are for reference only and do not necessarily depict finish grading conditions of any particular lot.

COVERAGE MAX 45% WITHOUT PORCH				
LOT NO.	MODEL	LOT AREA S.M.	UNIT COVERAGE S.M.	PERCENTAGE (MAX. 45%)
40	S40-6C 'A'	531.68 S.M.	181.35 S.M.	34.11 %



5		
4		
3		
2		
1	ISSUED FOR PERMIT	MAY 15-18 RC

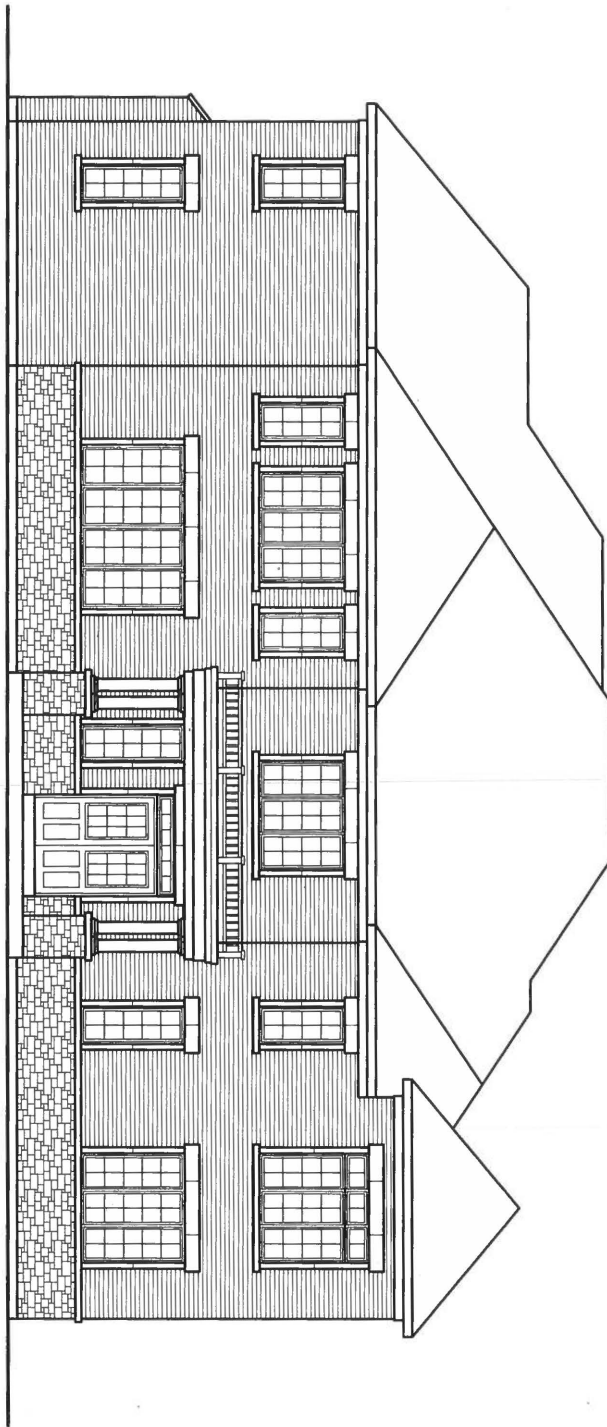
no. description date by
The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.
qualification information
Wellington Jno-Baptiste 25581
name registration information BCN
VAS Design Inc. 42658

Contractor must verify all dimensions on the job and report any discrepancy to the Designer before proceeding with the work. All drawings and specifications are instruments of service and the property of the Designer which must be returned at the completion of the work. Drawings are not to be used.
All drawings specifications, related documents and design are the copyright property of VAS DESIGN. Reproduction of this property in whole or in part is strictly prohibited without VAS DESIGN's written permission.
VAS DESIGN
255 Consumers Rd Suite 120
Toronto ON M2J 1R4
T 416.630.2255 F 416.630.4782
vasdesign.com

CALEXICO HOLDINGS INC.
project name
FAIRTREE ON THE ROUGE
municipality
MARKHAM, ON.
project no.
11012

SITE PLAN
date
MAY 2018
scale
1:250
drawing no.
SP1
drawn by
RC
checked by
RC
the name
11012-SF-COA

FLANKAGE ELEVATION 'A'



CALEXICO HOLDINGS INC.

FAIRTREE ON THE ROUGE

MARKHAM ON

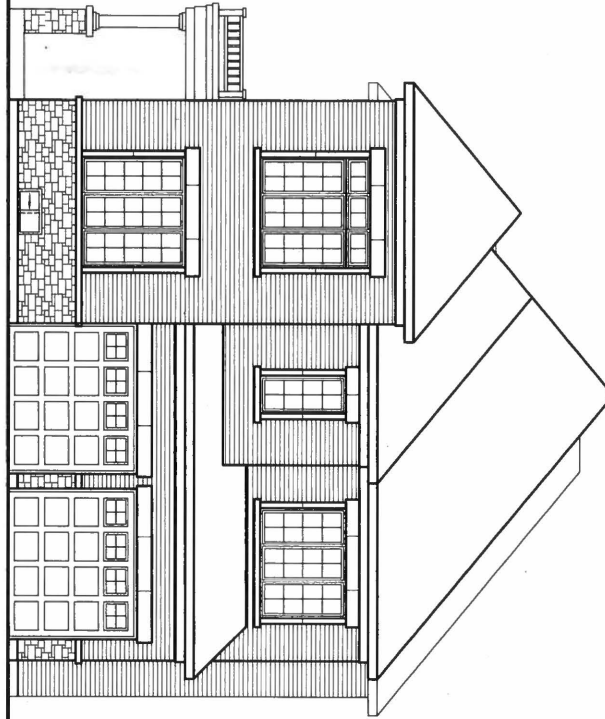
VA3 Design

A/126/18

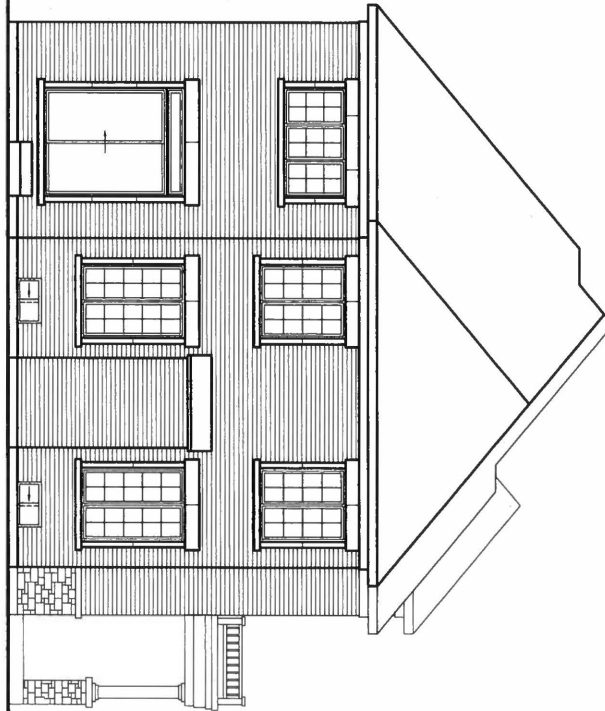
AREA 3454 SF

S40-6C

FRONT ELEVATION 'A'



REAR ELEVATION 'A'



CALEXICO HOLDINGS INC.

FAIRTREE ON THE ROUGE

MARKHAM ON

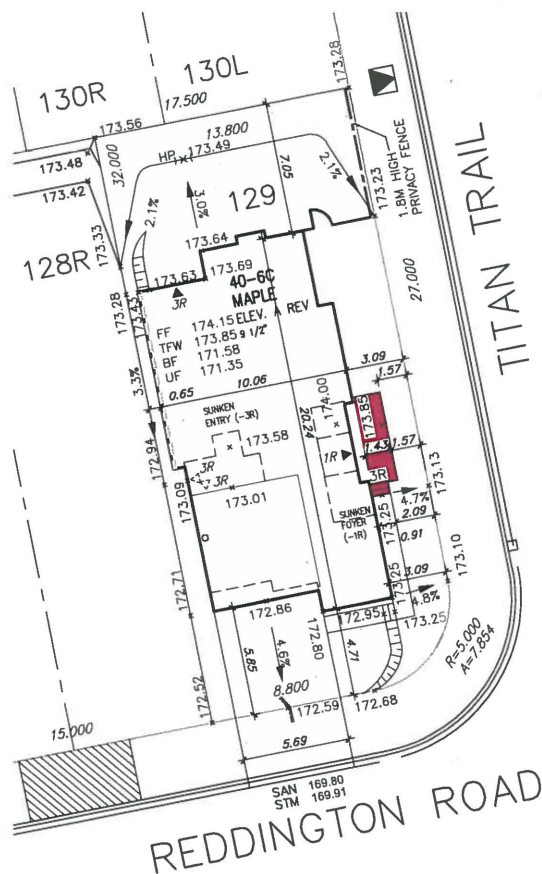
VA3 Design

A/126/18

AREA 3454 SF

S40-6C

A/127/18

**Grading Notes:**

It shall be the responsibility of the builder to have all grades and services verified and checked before construction by an approved grading engineer. These grades and the placement of storm and sanitary services off the street are to meet the requirements of the municipality having jurisdiction.

VAJ Design Inc. is to be notified promptly of any discrepancies at least 1 (one) week prior to excavation commences in order that the building can be re-sited. Failure to observe these conditions may require expensive remedial action that will not be the responsibility of or cost to VAJ Design Inc. Foundation wall shall be poured to a minimum of 6" above approved grades.

Finished grade lines as indicated on the house prototype are for reference only and do not necessarily depict finish grading conditions of any particular lot.

COVERAGE MAX 45% WITHOUT PORCH				
LOT NO.	MODEL	LOT AREA S.M.	UNIT COVERAGE S.M.	PERCENTAGE (MAX. 45%)
123	S40-6C 'A'	436.23 S.M.	181.35 S.M.	41.57 %

5			
4			
3			
2			
1	ISSUED FOR PERMIT	MAY 15-18	RC

no description date by

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

qualification information

name registration information 25591

VAJ Design Inc. 42658

Contractor must verify all dimensions on the job and report any discrepancy to the Designer before proceeding with the work. All drawings and specifications are instruments of service and the property of the Designer which must be returned at the completion of the work. Drawings are not to be scaled.

All drawings specifications, related documents and design are the copyright property of VAJ DESIGN. Reproduction of this property in whole or in part is strictly prohibited without VAJ DESIGN's written permission.

VAJ DESIGN
255 Consumers Rd Suite 120
Toronto ON M2J 1R4
t 416.530.2255 f 416.530.4782
vajdesign.com

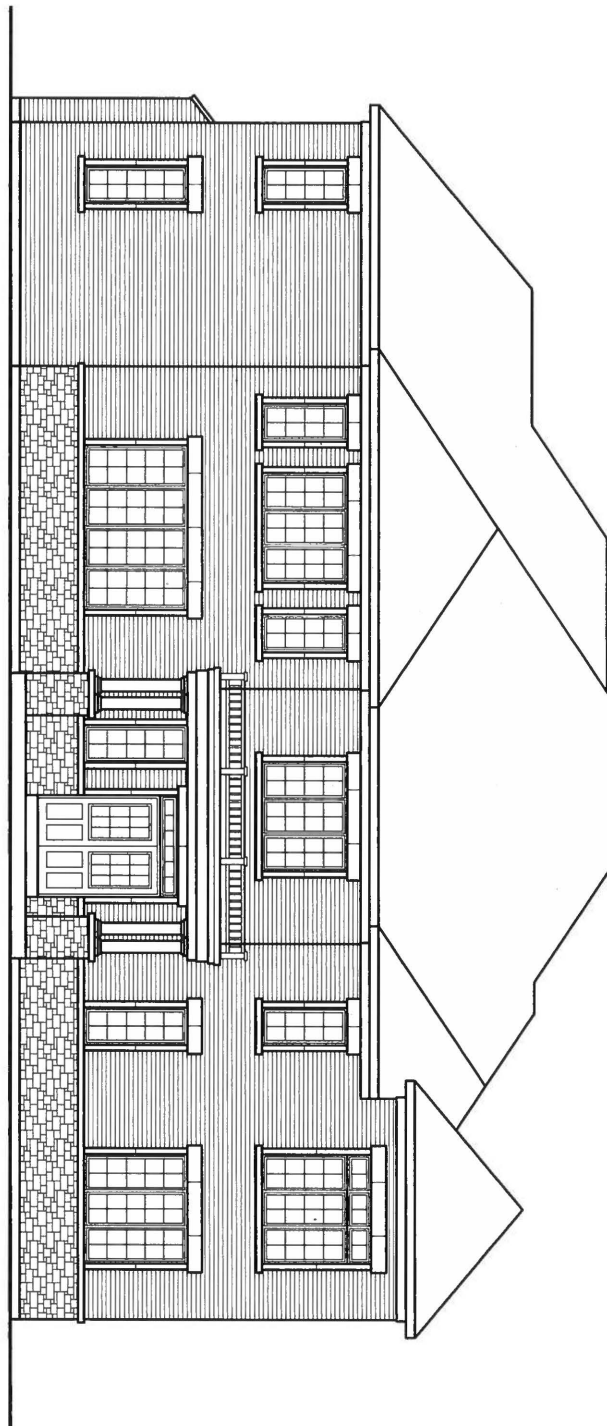
CALEXICO HOLDINGS INC.

project name
FAIRTREE ON THE ROUGE
municipality
MARKHAM, ON.
project no.
129
registered plan no.
11012

SITE PLAN
drawing no.
SP1
date
MAY 2018
scale
1:250
checked by
RC
file name
11012-SP-COA



FLANKAGE ELEVATION 'A'

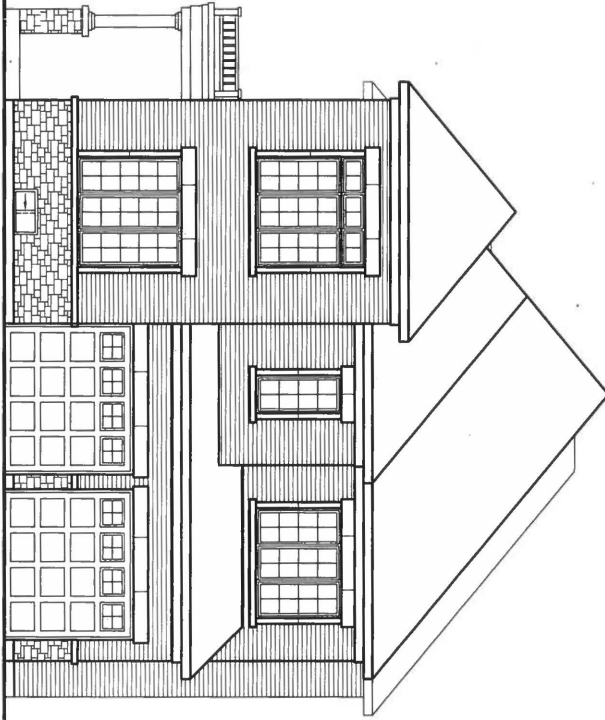


CALEXICO HOLDINGS INC.
FAIRTREE ON THE ROUGE
MARKHAM ON
VA3 Design

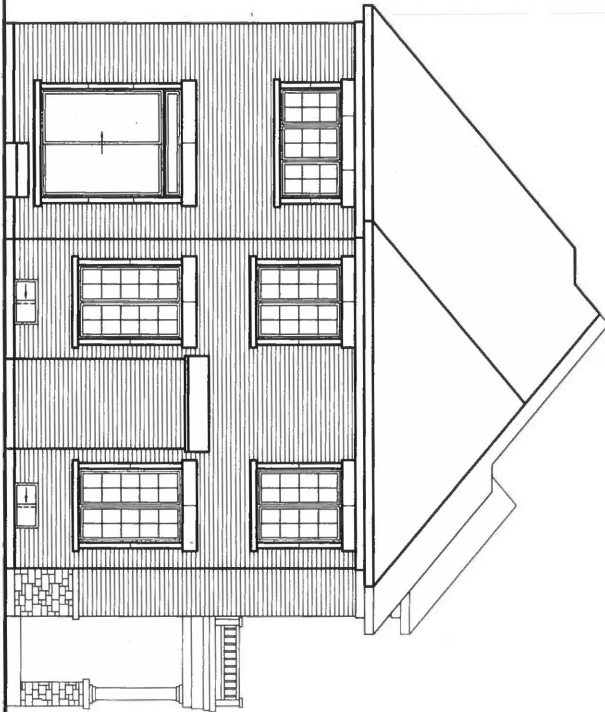
A/127/18

AREA 3454 SF
S40-6C

FRONT ELEVATION 'A'



REAR ELEVATION 'A'



CALEXICO HOLDINGS INC.

FAIRTREE ON THE ROUGE

MARKHAM ON

VA3 Design

A/127/18

AREA 3454 SF

S40-6C



Toronto and Region
Conservation
Authority

August 23, 2018

CFN: 59072.16
X-CFN: 59072.12

BY E-MAIL ONLY

Mr. Justin Leung
Secretary-Treasurer
Committee of Adjustment
City of Markham
101 Town Centre Boulevard
Markham, ON
L3R 9W3

Dear Mr. Leung:

Re: Minor Variance Application - A/125/18, A/126/18 & A/127/18
20 & 96 Mohandas Drive and 30 Reddington Road, Markham, ON
Owner: Forest Bay Homes Ltd. (Corey Leibel)
Agent: Forest Bay Homes Ltd. (Clay Leibel)

This letter will acknowledge receipt of the above noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and provide the following comments.

PURPOSE OF THE APPLICATION

A/125/18, A/126/18 & A/127/18

The applicant is requesting relief from the requirements of By-law 90-81, as amended, as it relates to the proposed detached dwellings on Registered Plan of Subdivision 19TM-98019.

Requested Variance(s) to the Zoning By-law:

A/125/18 – Lot 23 (20 Mohandas Drive)

a) Section 4.6 (a):

A maximum projection of 1.44 metres for a roofed porch with unenclosed sides and steps, whereas the By-law permits a maximum projection of 0.45 metres for roofed porches with unenclosed sides and steps.

A/126/18 – Lot 41 (96 Mohandas Drive)

b) Section 4.6 (a):

A maximum projection of 1.41 metres for a roofed porch with unenclosed sides and steps, whereas the By-law permits a maximum projection of 0.45 metres for roofed porches with unenclosed sides and steps.

A/127/18 – Lot 129 (30 Reddington Road)**c) Section 4.6 (a):**

A maximum projection of 1.43 metres for a roofed porch with unenclosed sides and steps, whereas the By-law permits a maximum projection of 0.45 metres for roofed porches with unenclosed sides and steps.

APPLICABLE TRCA REGULATIONS AND POLICIES**Ontario Regulation 166/06 (as amended):**

The western portion of the subject property is located within TRCA's Regulated Area, as it is traversed by a valley corridor associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, as amended, (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a. straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b. development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading;
- iv. the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

TRCA's Roles and Responsibilities

TRCA provides our technical review comments through several roles. This includes TRCA's commenting role under the *Planning Act*; the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2005 and 2014; TRCA's Regulatory Authority under Ontario Regulation 166/06 (as amended), Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses; and our Memorandum of Understanding (MOU) with the Region of York, where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

TRCA strives to ensure consistency between our comments under the *Planning Act* and our comments under the *Conservation Authorities Act*, the proposed development must meet the tests of our Regulation at the time of application. This means that the TRCA must be satisfied that the form of development can satisfy the tests of Ontario Regulation 166/06, as amended, and demonstrate that there will be 'no negative impacts' in order for TRCA staff to support a permit. Details in respect to TRCA's policies can be found in Section 7 and 8 of TRCA's The Living City Policies.

Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP)

The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the "Natural System" as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), top of slope (TOS), Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 metre buffer from Provincially Significant Wetlands (PSWs) and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

APPLICATION SPECIFIC COMMENTS

Ontario Regulation 166/06, as amended:

The western portion of the Registered Plan of Subdivision 19TM-98019 is located within TRCA's Regulated Area of the Rouge River Watershed. We understand that this application is to provide the applicant with relief from the requirements of By-law 90-81, as amended, as it relates to the three (3) residential lots on Registered Plan of Subdivision 19TM-98019. Based on our review of the materials associated with the application, the three residential lots are appropriately setback outside of our Regulated Area. As such, TRCA staff have no objections to the proposed variance applications and a TRCA permit is not required for the proposed works.

APPLICATION FEE

Please be advised, in addition to TRCA's Regulating responsibilities, TRCA has a role as a commenting agency for *Planning Act* applications circulated by member municipalities to assess whether a proposed development may be impacted by the TRCA. By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services.

This application is subject to a review fee of \$580.00 per residential parcel (i.e. 3 Parcels). As such, TRCA staff is requesting a review services fee of **\$1,740.00** (2018 TRCA Planning Fees Schedule – Variance – Minor). The applicant is responsible for fee payment and should forward the fee to this office within 60 days of this letter.

RECOMMENDATION

TRCA has **no objections** to the approval of Minor Variance Application(s) A/125/18, A/126/18 and A/127/18 subject to the following condition being addressed to our satisfaction:

1. The applicant remits the outstanding TRCA Planning Services review fee of \$1,740.00 for our review of the Minor Variance Application(s).

I trust these comments are of assistance. Should you have any questions or comments, please do not hesitate to contact the undersigned.

Sincerely,



Aidan Pereira
Planner I, Planning & Development
apereira@trca.on.ca
(416) 661-6600 ext. 5723

AP/dc