

Memorandum to the City of Markham Committee of Adjustment

December 11, 2019

File: A/144/19
Address: 7 Willowgate Dr – Markham, ON
Applicant: Jenny Fung
Agent: Step Design Studio Inc.
Hearing Date: Wednesday January 22, 2020

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

The applicant is requesting relief from the following Residential (R1) zone requirements of By-law 1229, as amended, as they relate to a proposed two storey single detached dwelling:

a) Section 1.2 (i) By-law 1229 as amended by 99-90:

Proposed Maximum Building Height of 10m; whereas, by-law permits Maximum Building Height of 9.80m; and

b) Section 1.2 (iii) under by law 1229 as amended by 99-90:

Proposed Maximum Building Depth of 18.03m; whereas, by-law permits Maximum Building Depth of 16.80m.

BACKGROUND

Property Description

The 756.81 m² (8,146.24 ft²) subject property is located along the east side of Willowgate Drive which ends as a cul-de-sac, south of Highway 7 East, west of Grandview Boulevard and east of Robinson Street. There is existing vegetation and mature trees primarily located in the front yard, with neighbouring tree canopies which overhang the subject property.

The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. While there are examples of larger scale infill development within the surrounding area, Willowgate Drive can be described as a street that is generally stable and predominantly comprised of modestly sized homes constructed in the mid 1960s.

Proposal

A single detached dwelling on the property has been demolished, and the applicant is proposing to construct a two-storey single detached dwelling. The dwelling has a proposed GFA of 308.36 m² (3,319.16 ft²), inclusive a one-car attached garage. An unenclosed carport is also proposed on the south side of the dwelling.

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, which includes 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.

In addition to “Residential Low Rise” policies, the property is located within the Markville Site Specific Policy Area, subject to Policy 9.14.2. The intent of this policy is to provide for a set of development standards in the zoning by-law that limits the size and massing of new dwellings to ensure infill development respects and reflects the existing pattern and character of adjacent development including building depth, and height.

Zoning By-Law 1229

The subject property is zoned Residential One (R1) Zone under By-law 1229, as amended, which permits one single detached dwelling per lot.

Residential Infill Zoning By-law 99-90

The property is also subject to the Residential Infill Zoning By-law 99-90. 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 the maximum building depth and height.

Tree Preservation By-law 2008-96 & 2008-97

Mature trees currently exist on the front of the property. Tree canopies appear to overhang onto the property in the rear yard. The former dwelling has been demolished, and the applicant has erected hoarding to protect the trees in accordance with City staff’s review and recommendations of the Tree and Arborist Preservation Plan submitted on March 22, 2019. Should Committee approve the variance, it is recommended that tree protection be maintained throughout the duration of the construction period of the proposed new dwelling in accordance with the tree conditions provided in Appendix “A”.

Applicant’s Stated Reason for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is due to,

“the unenclosed front covered porch and bay window located in the rear yard which contribute to a building depth that exceeds the maximum permitted in the by-law; whereas the walls of the main building are proposed to comply; and

lifting the basement slab in order to deal with underground water issues which will consequently result in an increase of 0.2m from the maximum permitted building height.”

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a 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.

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 10.0 m (32.83 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.2 m (0.68 ft). Staff are satisfied that the requested height reflects the general intent of the by-law, and is compatible with the scale and character of the street.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 18.03 m (59.15 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 1.23 m (4.03 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.

The variance is attributable to a front covered porch and one-storey bay window in the rear yard, which add approximately 2.74 m (8.99 ft) to the overall depth of the building. The main component of the two-storey building, excluding the porch and bay window, has a depth of 16.53 m (54.22 ft) which complies with the by-law requirement. Staff are of the opinion that the requested variance will not adversely impact the character of the street, due to the location of the proposed bay window, and the limited size and scale of the front covered porch.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 13, 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 to the application made. However, it should be noted that while the proposal does not contemplate any increase in net floor area ratio, there is a covered, open-sided carport shown on the south side of the

subject property, which if enclosed, would increase the gross floor area by 36.91 m² (397.30 ft²). This would result in a net floor area ratio of approximately 50.41%, which would require approval of a subsequent variance application if the carport were to be enclosed. Staff have no objection to the proposed variance requests, as submitted, subject to the carport remaining unenclosed. 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.

APPENDICES

Appendix "A" – Conditions List

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Sally Campbell, Development Manager, East District

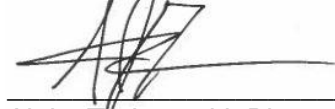
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APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/144/19

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 plans attached as Appendix “B” to this Staff Report and received by the City of Markham on November 18, 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;
6. That the carport remain unenclosed.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/144/19



7 WILLOWGATE DR. MARKHAM, ON

PIN. 02916-0394 (LT)

TREE D
DBH: 65cm
TPP: 4.2m

EXISTING CONC. PAD
TO BE REMOVED

EXISTING DWELLING
TO BE REMOVED

ROOF DOWNSPOUT & LEADER

NO. 5
WILLOWGATE DR.

EXIST. 1 STOREY
BRICK DWELLING
FFE=179.93

OUTLINE OF PROP.
DWELLING GROUND
FLOOR WALLS

EXISTING DWELLING
TO BE REMOVED

ROOF DOWNSPOUT & LEADER

EXISTING CONC.
PORCH TO BE
REMOVED

ROOF DOWNSPOUT & LEADER

PROP. COVERED
UNENCLOSED
PORCH

TREE C
DBH: 80cm
TPP: 4.8m

TREE B
DBH: 75cm
TDB: 2

TREE A
DBH: 69cm
TPP: 4.2m

WOOD DECK

8" POURED CONC
RETAINING WALL

ROOF DOWNSPOUT
& LEADER

NO. 9
WILLOWGATE DR.
EXIST. 1 1/2 STOREY
BRICK DWELLING
FFE=179.28

OUTLINE OF PROP.
DWELLING SECOND
FLOOR WALLS

EXIST. DRIVEWAY TO
BE EXPANDED &
RESURFACED W/
STONE PAVERS

TREE F
DBH: 60cm
TPP: 4.2m

TREE E
DBH: 75cm
TPP: 3.6m

LOT 10
02916-0339 (LT)

TREE #2
DBH: 35cm
TPP: 2.4m

TREE #1
DBH: 38cm
TPP: 2.4m

EXIST. DRIVEWAY
ENTRANCE TO
REMAIN

CONC. CURB

8 17199.10

CONC. CURB

EST. GRADE	177.29
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(CROWN OF ROAD @ MIDPOINT)

WILLOWGATE DR.

BY REGISTERED PLAN 5880
PIN. 02916-0839 (LT)

SITE PLAN

SCALE: 1:150

PROJECT NAME
7 WILLOWGATE DR.
MARKHAM, ON

DRAWING NAME
SITE PLAN

PROJECT DATE
10/31/2019
PREPARED BY
Stepan Sukiasyan
CHECKED BY
Stepan Sukiasyan

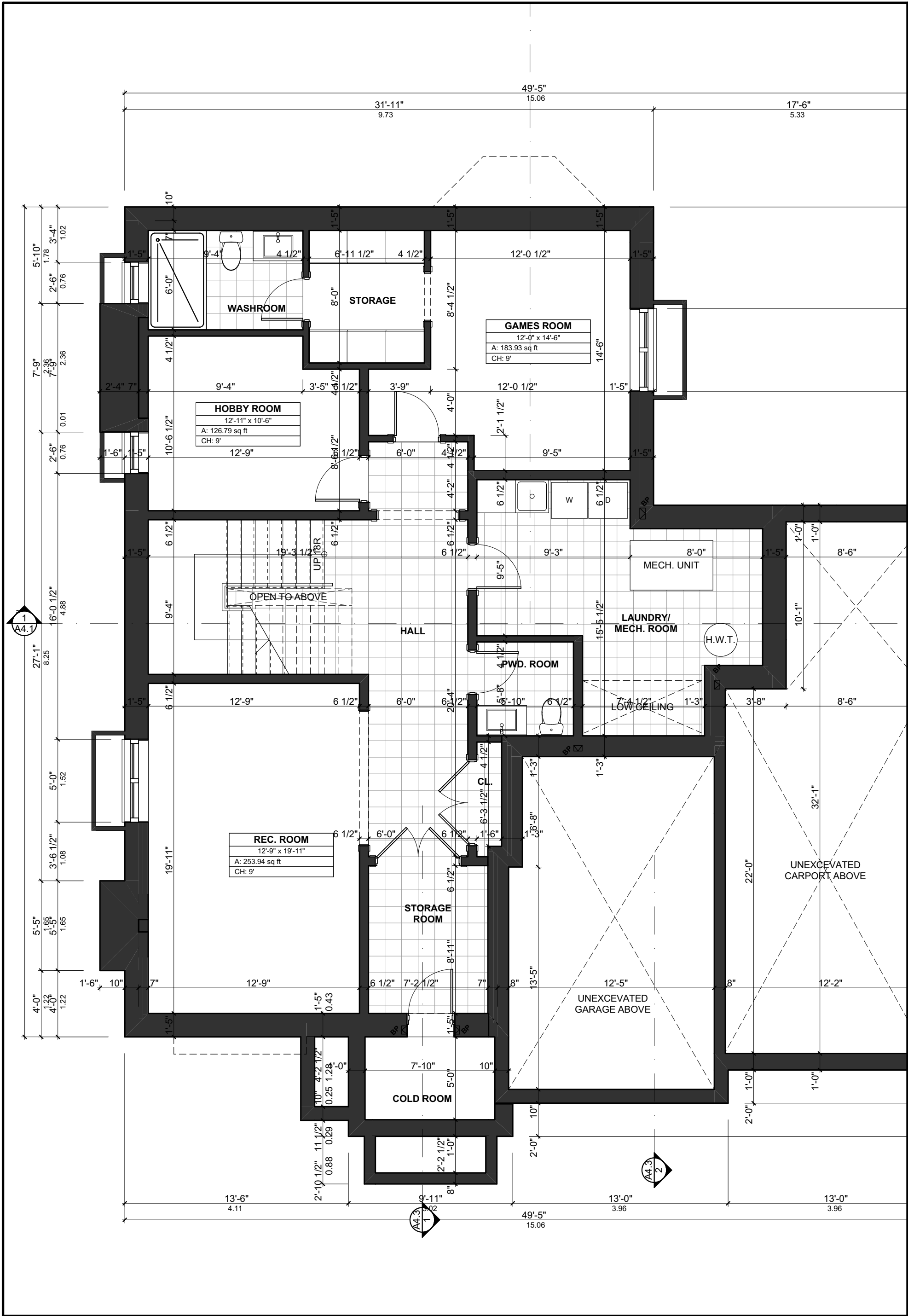
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REVISION NUMBER 5.1-2.1 - #Project
DOCUMENT NUMBER Custom
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STEP
DESIGN STUDIO INC.

STEP DESIGN STUDIO INC.
ARCHITECTURAL DESIGN | CONSULTATION
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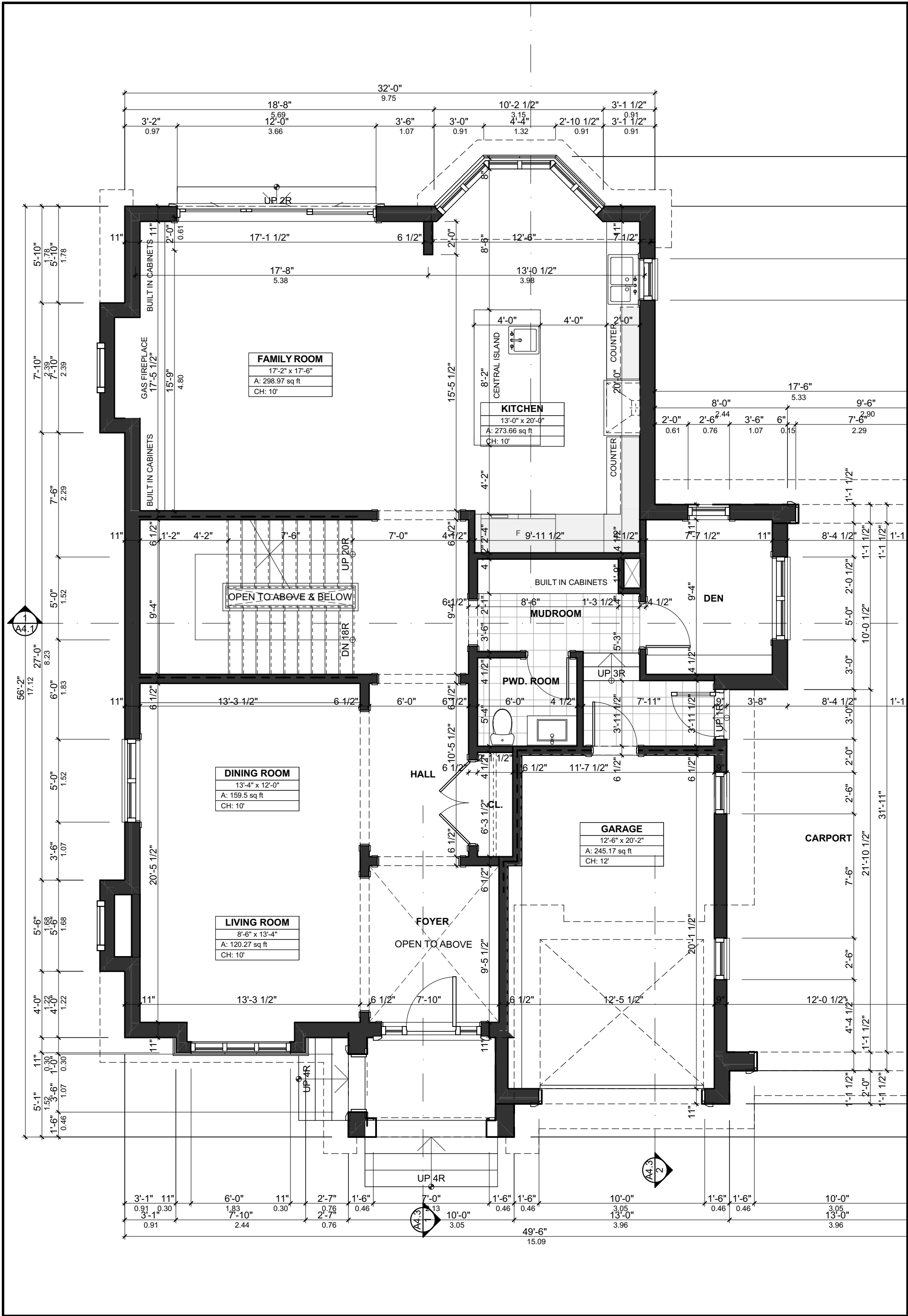
AREA & ZONING INFORMATION								
7 WILLOWGATE DR., MARKHAM, ONTARIO L3P 1G1								
R1 RESIDENTIAL - MARKHAM ZONING BY-LAW 1229/99-90								
	ZONING	EXISTING		PROPOSED		REQUIRED		NOTES
		EXISTING LOT & DWELLING		PROPOSED DWELLING		MARKHAM BY-LAW 99-90 AS AMENDED		
1.1	LOT AREA	756.81 M²	8,146.24 SQ FT			613.16 M²	6,600.00 SQ FT	
	SETBACKS							
2.1	LOT FRONTAGE	18.44 M	60.50 FT			18.29 M	60.00 FT	
2.2	LOT DEPTH	41.06 M	134.71 FT					
2.3	FRONT YARD SETBACK (WEST SIDE)	16.47 M	54.04 FT	10.97 M	36.00 FT	7.62 M	25.00 FT	
2.4	SIDE YARD SETBACK (SOUTH-GROUND FL.)	1.41 M	4.63 FT	1.52 M	5.00 FT	1.22 M	4.00 FT	
2.5	SIDE YARD SETBACK (SOUTH-SECOND FL.)			4.41 M	14.47 FT	1.83 M	6.00 FT	
2.6	SIDE YARD SETBACK (NORTH SIDE)	1.97 M	6.46 FT	1.83 M	6.00 FT	1.22 M	4.00 FT	
2.8	REAR YARD SETBACK (EAST SIDE)	13.38 M	43.90 FT	12.67 M	41.57 FT	7.62 M	25.00 FT	
2.9	BUILDING DEPTH			18.03 M	59.15 FT	16.80 M	55.12 FT	
	SITE AREAS							
3.1	LOT AREA	756.81 M²	8,146.24 SQ FT					
3.2	DWELLING AREA	117.40 M²	1,263.68 SQ FT	215.19 M²	2,316.29 SQ FT			
3.3	ACCESSORY BUILDINGS							
3.4	TOTAL BUILDING AREA	117.40 M²	1,263.68 SQ FT	215.19 M²	2,316.29 SQ FT			
3.5	LOT COVERAGE PERCENTAGE	15.5%		28.4%		MAX. 33.33%		
3.6	FRONT YARD AREA			211.07 M²	2,271.94 SQ FT			
3.7	FRONT YARD LANDSCAPE AREA			108.38 M²	1,166.59 SQ FT			
3.8	FRONT YARD LANDSCAPING PERC.			51.3%				
3.9	REAR YARD AREA			248.47 M²	2,674.51 SQ FT			
3.10	REAR YARD LANDSCAPING AREA			215.08 M²	2,315.10 SQ FT			
3.11	REAR YARD LANDSCAPING PERC.			86.6%				
	GROSS FLOOR AREAS							
4.1	GROUND FLOOR GFA	207.70 M²	2,235.66 SQ FT	173.86 M²	1,871.41 SQ FT			
4.2	SECOND FLOOR GFA			134.50 M²	1,447.75 SQ FT			
4.3	TOTAL GFA	207.70 M²	2,235.66 SQ FT	308.36 M²	3,319.16 SQ FT			
4.4	LOT AREA	756.81 M²	8,146.24 SQ FT			613.16 M²	6,600.00 SQ FT	
4.5	NET LOT AREA	684.99 M²	7,373.12 SQ FT					
4.6	FLOOR AREA RATIO	30.3%		45.0%				
	HEIGHTS							
5.1	EST. GRADE			177.29 M				
5.2	GRADE @ GARAGE			178.20 M				
5.3	FIN. FLOOR ELEVATION			179.11 M				
5.4	TOP OF ROOF ELEVATION			187.29 M				
5.5	DWELLING HEIGHT			10.00 M	32.81 FT	9.80 M	32.15 FT	
5.6	FIN. GROUND FLOOR HEIGHT			1.82 M	5.97 FT			



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A2.1

BASEMENT PLAN

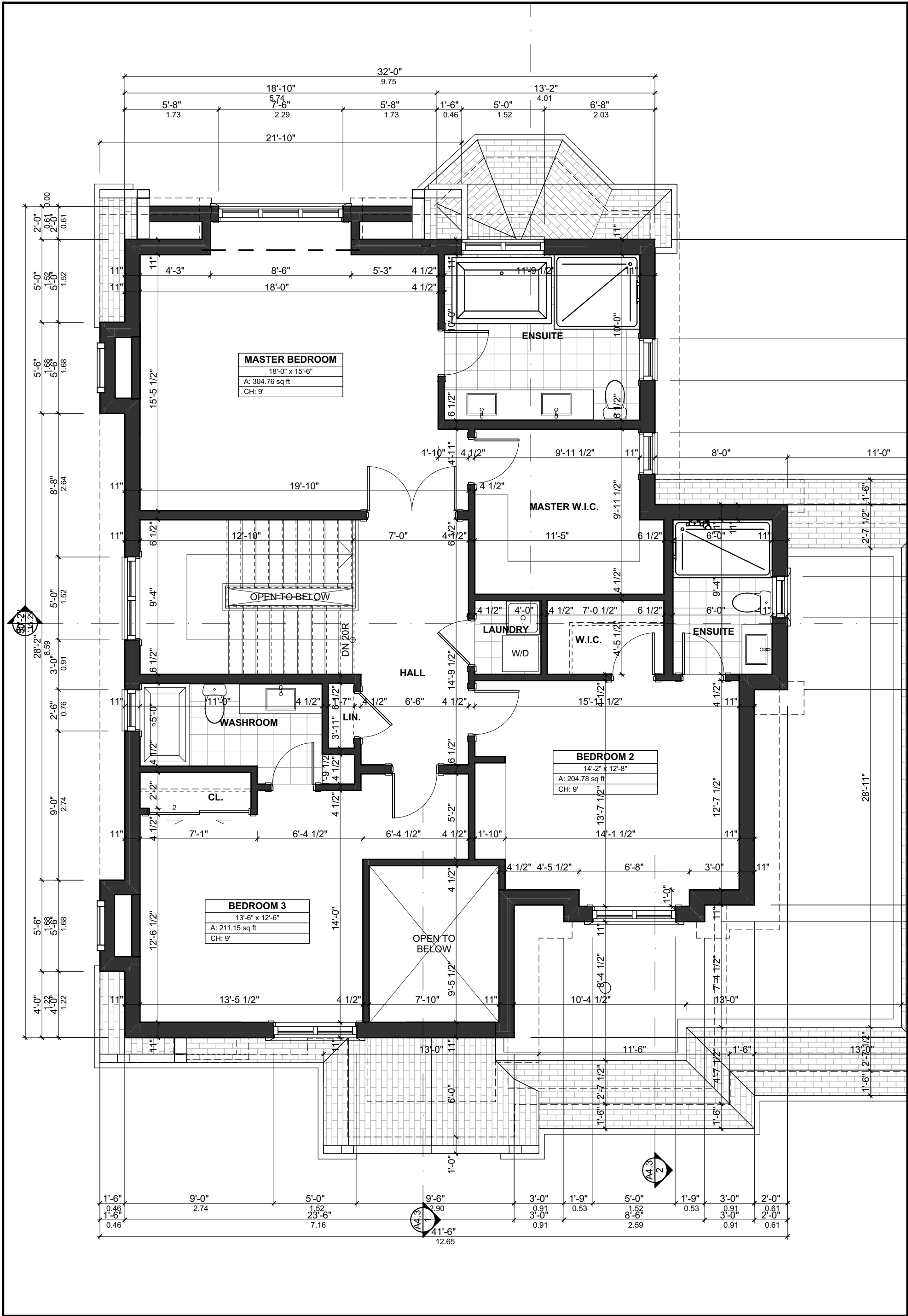
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A2.2

GROUND FLOOR PLAN

SCALE: 3/16" = 1'-0"



1 SECOND FLOOR PLAN
A2.3 SCALE: 3/16" = 1'-0"

