

Memorandum to the City of Markham Committee of Adjustment
October 12, 2018

File: A/149/18
Address: 5 Spirea Court, Thornhill
Applicant: Liang Xiong and Wei Li Xu
Agent: Four Seasons Sunrooms (Alexandra Aodesh)
Hearing Date: Wednesday October 24, 2018

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

The applicant is requesting relief from the following requirements of By-law 1767, as amended, SR2:

a) Section 14 (i) (e):

a minimum rear yard setback of 40 ft, whereas the By-law requires a minimum rear yard setback of 50 ft;

as it relates to a proposed one-storey addition at the rear of a residential dwelling.

BACKGROUND

Property Description

The subject property is located on the north side of Spirea Court, which is east of Bayview Avenue and north of Steeles Avenue East. The surrounding area includes predominantly two-storey detached dwellings on large lots with mature vegetation.

The property has an approximate area of 2,212 sq. m (23,809.77 sq. ft) and approximate lot frontage of 34.06 m (111.75 ft). There is a 665.85 sq. m (7,167.15 sq. ft) two-storey single detached dwelling with attached 78.85 sq. m (848.73 sq. ft) three-car garage, built in 2013. There is vegetation throughout the property, with mature trees at the rear. Vehicular access is via a paved circular driveway from Spirea Court.

Proposal

The applicant proposes to construct a 47.69 sq. m (513.33 sq. ft) one-storey solarium addition at the rear of the dwelling.

Official Plan and Zoning

Official Plan 2014 (partially approved on October 30, 2015, May 26, 2016, March 10, 2017, April 21, 2017 and November 24, 2017)

The Official Plan 2014 designates the subject property "Residential Low Rise," which provides for low rise housing forms including single detached dwellings. Within "Residential Low Rise" areas, infill development is required to meet the general intent of Section 8.2.3.5 with respect to lot frontage, lot area, height,

massing and setbacks in order to ensure that it is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. 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. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-law

The subject property is zoned SR2 under By-law 1767, as amended, which permits single detached dwellings. The proposed rear yard setback of 40 ft (12.2 m) does not comply with the required rear yard setback of 50 ft (15.2 m).

Residential Infill Zoning By-law

The subject property is also subject to Residential Infill Zoning By-law 100-90. The intent of this By-law is to ensure that the built form of new residential development maintains the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height and number of storeys.

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

The applicant's stated reasons for not complying with the zoning are as follows: "[The required rear yard setback] compromises usable space."

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Consequently, 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 variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance 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.

The applicant is requesting relief for a minimum rear yard setback of 40 ft (12.2 m), whereas the By-law requires a minimum rear yard setback of 50 ft (15.2 m).

This represents a 3 m (9.8 ft), or approximately 20 percent, reduction in required rear yard setback.

The proposed rear yard setback for the addition is consistent with the rear yard setback for the existing dwelling, for which a minor variance was approved in 2011. Given that the proposed addition does not result in any additional zoning deficiencies, and considering its one-storey height, staff have no objection to the relief requested.

Staff recommend that the applicant demonstrate that the design conforms to the City's Bird Friendly Guidelines, and this is a proposed condition of any approval of the application.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 12, 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 variance satisfies the four tests of the Planning Act and have no objection to its 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.

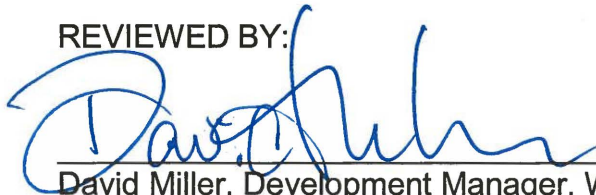
Please see Appendix 'A' for conditions to be attached to any approval of this application.

PREPARED BY:



Greg Hayes, Development Technician, Planning and Urban Design Department

REVIEWED BY:



David Miller, Development Manager, West District

APPENDIX 'A'

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/149/18

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 date-stamped as received October 1, 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 submits a Tree Assessment and Preservation Plan prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended from time to time to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree protection fencing is erected in accordance with the City's Streetscape Manual (2009), as amended from time to time and inspected to the satisfaction of the Director of Planning and Urban Design, or their designate.
5. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree replacements are provided and/or tree replacement fees are paid to the City, if required by the Director of Planning and Urban Design, or their designate.
6. That the proposed building elevations/addition be designed and constructed in conformity with the requirements of Markham's Bird Friendly Guidelines 2014, and that architectural plans be submitted to the City demonstrating compliance, to the satisfaction of the Director of Planning and Urban Design or their designate.

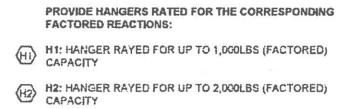
CONDITIONS PREPARED BY:



Greg Hayes, Development Technician, Planning and Urban Design Department

APPENDIX B

CITY OF WARRHAN
RECEIVED




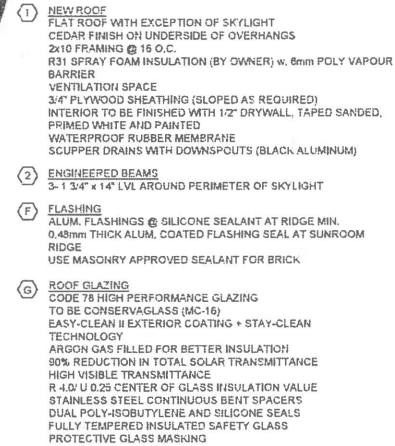
REVIEWED AND SEALED FOR
STRUCTURAL AND
ARCHITECTURAL

GROUND FLOOR PLAN



Project No.	Revision #	Revision Date	Revision By	File Name
				Sheet Number <h1>A2</h1>
Scale: 1/4"=1'-0"	Project Name: 5 Solara Court		Notes:	


 CITY OF MARKHAM
 RECEIVED
 OCT 01 2018
 COMMITTEE OF ADJUSTMENT



PROVIDE HANGERS RATED FOR THE CORRESPONDING FACTORED REACTIONS:

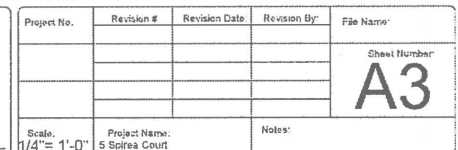
H3: HANGER RATED FOR UP TO 3,000LBS (FACTORED) CAPACITY

H4.5: HANGER RATED FOR UP TO 4,500LBS (FACTORED) CAPACITY

H6: HANGER RATED FOR UP TO 6,000LBS (FACTORED) CAPACITY

A circular professional engineer seal for the Province of Ontario. The outer ring contains the text "LICENSED PROFESSIONAL ENGINEER" at the top and "PROVINCE OF ONTARIO" at the bottom. The center of the seal features a stylized bridge or arch design. Below this design, the name "D.B.B. THWISTRA" is printed, followed by the license number "100135202". At the bottom of the central area, the date "30-07-2018" is stamped.

ROOF PLAN



Project No.	Revision #	Revision Date	Revision By:	File Name.
				Sheet Number: A4
Scale: 1/4"=1'-0"	Project Name: St. Simeon Court.		Notes.	

Project No.	Revision #	Revision Date	Revision By:	File Name.
				Sheet Number: A5
Scale: 1/8" = 1' @ 1/5	Project Name: Suzanne Court		Notes.	

