

Memorandum to the City of Markham Committee of Adjustment

October 16, 2018

File: A/150/18
Address: 226 Church St, Markham
Applicant: Alison & Greg Hicks
Agent: David Small Designs (Julie Odanski)
Hearing Date: Wednesday October 24, 2018

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

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended:

- a) **Infill By-law 99-90, Section 1.2 (iii):** a maximum building depth of 23.15 metres, whereas the by-law permits a maximum building depth of 16.8 metres; as it relates to a proposed residential dwelling.

BACKGROUND

Property Description

The 2,063.03 m² (22,206.27 ft²) subject property is located on the north side of Church Street, west of Ninth Line and north of Highway 7. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing two-storey detached dwelling and a shed of approximately 385.08 m² (4,145 ft²) on the property. According to assessment records the dwelling was constructed in 1958. Mature vegetation exists across the front and rear of the property.

Proposal

The applicant is proposing to demolish the existing home and construct a new two-storey detached dwelling on the property with an attached two car garage, a front and a rear covered porch, a basement walkout and, an in-ground pool in the rear yard.

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 1229

The subject property is zoned R1 'Residential' under By-law 1229, as amended, which permits a single detached dwelling.

Residential Infill Zoning By-law 99-90

The subject 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 building depth.

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, *"The lot can easily accommodate a home of 23.16m in depth with no impact on the adjacent properties or the neighbourhood and still meets required setbacks. A significant portion of the depth is due to the rear covered porch. Both the layout of the proposed home and the rear covered porch meet the needs of the family that will be living in the home"*.

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) 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 Depth

The applicant is requesting relief to permit a maximum building depth of 16.8 m (55.12 ft), whereas the By-law permits a maximum building depth of 23.15 m (75.95 ft). This represents an increase of approximately 6.35 m (20.83 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.

The variance applies to a front and rear covered porch which add approximately 0.45 m (1.5 ft) and approximately 3.66 m (12 ft) to the overall depth of the main building. The main component of the building, excluding the front and rear covered porches, has a depth of approximately 18.57 m (60.92 ft). This represents an increase in the permitted building depth of approximately 1.77 m (5.8 ft) and does not comply with the by-law.

The proposed variance is largely attributable to the proposed single storey projection at the front and rear of the dwelling to accommodate an unenclosed front porch and an unenclosed rear patio. The rear patio is approximately 12.44 m (40.83 ft) wide and represents approximately 51 percent of the total width of the rear wall of the dwelling. Staff note that the requested building depth is a departure from what the by-law permits and will project significantly further than the property to its east and further than the property to its east and, according to city records will be the largest building depth granted in the immediate vicinity. Notwithstanding this, the east elevation of the proposed dwelling includes a one storey garage with a bedroom at the front and a covered porch at the rear. The garage does not span the full length of the proposed dwelling and is setback approximately 1.83 m (6 ft) from the east property line at the front of the property. The bedroom atop the garage is setback over 1.83 m (6 ft) from the east property line.

At the rear the proposed patio and dwelling are setback approximately 4.27 m (14 ft) from the east property line, providing ample separation between properties. The west elevation of the proposed dwelling is setback approximately 4.41 m (14.47 ft) from the west property line. Staff note that the proposed dwelling is located on a lot that is deeper than the property to its west.

The proposed dwelling exceeds setback requirements for the front, rear, and side yard (west). Retained mature vegetation provides some screening on the east and west side of the proposed dwelling and, articulation of the proposed dwelling reduces the overall massing of the dwelling and its impacts to neighbouring properties and streetscape. Further, the proposed front and rear porch and patio are unenclosed. The requested building depth applies to the basement and first storey of the proposed dwelling. According to the plans submitted with the application, the second storey has a depth of approximately 16.69 m (54.75 ft) and complies with the by-law permits.

The main dwelling does not comply with the by-law and while the proposed dwelling exceeds the maximum building depth by approximately 6.35 m (20.83 ft), the applicant has made efforts to reduce the impact on neighbouring properties and the streetscape. The proposed dwelling provides ample space between neighbouring properties on the ground floor and further separation on the second floor, maintains the front yard setback pattern on the street and provides screening between properties via existing mature vegetation. Given this, Staff are of the opinion that although the requested variance is a departure from the by-law permits, it is appropriate for the lot. Staff ask that Committee consider public input in reaching a decision and satisfy themselves that the proposal meets the 4 tests.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 16, 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. 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:


Stacia Muradali, Senior Planner, East District
File Path: Amanda\File\ 18 252124 \Documents\District Team Comments Memo

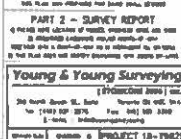
APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/150/18

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 A' to this Staff Report and dated October 03, 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 front and rear porches remain unenclosed;
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 the 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



DAVID
SMALL
DESIGNS
CCM

Project Information

Project Name: **David Small Designs**

Client: **David Small**

Address: **1234 Main St, San Francisco, CA 94102**

Phone: **(415) 555-1234**

Email: **dsmall@dsdesigns.com**

Revisions

Rev	Description	Date
1	Initial Design	10/26/2023
2	Revised Foundation Details	11/02/2023
3	Final Design	11/15/2023

Notes

1. All dimensions are in feet and inches unless otherwise noted.

2. Foundation details are shown on separate sheets.

3. See structural engineer for load requirements.

4. Foundation details are shown on separate sheets.

5. See structural engineer for load requirements.

The David Small

1234 Main St, San Francisco, CA 94102

Phone: (415) 555-1234

Email: dsmall@dsdesigns.com

Project Information

Project Name: **David Small Designs**

Client: **David Small**

Address: **1234 Main St, San Francisco, CA 94102**

Phone: **(415) 555-1234**

Email: **dsmall@dsdesigns.com**

Revisions

Rev	Description	Date
1	Initial Design	10/26/2023
2	Revised Foundation Details	11/02/2023
3	Final Design	11/15/2023

Notes

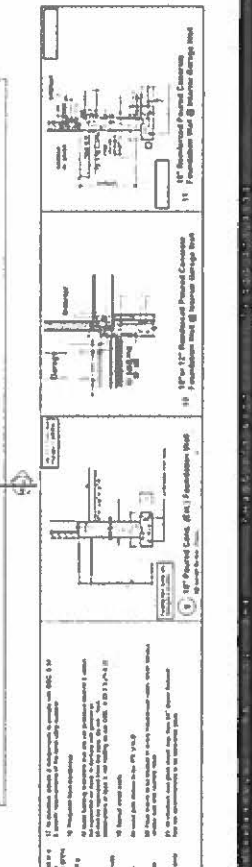
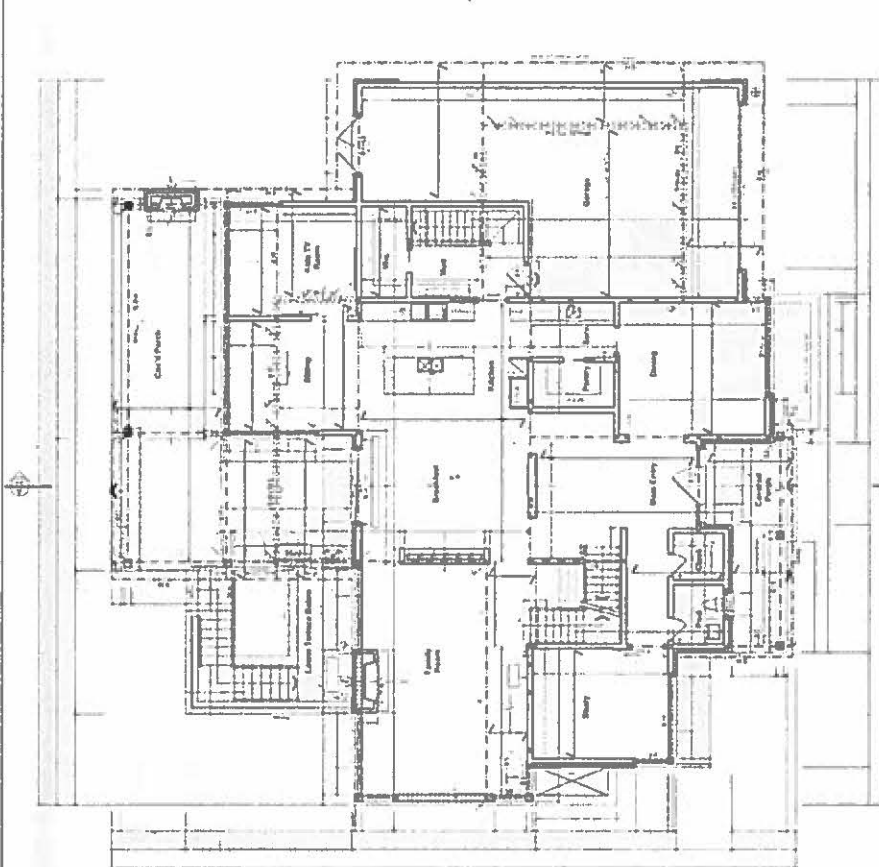
1. All dimensions are in feet and inches unless otherwise noted.

2. Foundation details are shown on separate sheets.

3. See structural engineer for load requirements.

4. Foundation details are shown on separate sheets.

5. See structural engineer for load requirements.



Notes

1. All dimensions are in feet and inches unless otherwise noted.

2. Foundation details are shown on separate sheets.

3. See structural engineer for load requirements.

4. Foundation details are shown on separate sheets.

5. See structural engineer for load requirements.

Revisions

Rev	Description	Date
1	Initial Design	10/26/2023
2	Revised Foundation Details	11/02/2023
3	Final Design	11/15/2023

Notes

1. All dimensions are in feet and inches unless otherwise noted.

2. Foundation details are shown on separate sheets.

3. See structural engineer for load requirements.

4. Foundation details are shown on separate sheets.

5. See structural engineer for load requirements.

DAVID SMALL
DESIGNS

Ground Floor Plan

A2

David Small
Professional Engineer
State of Texas, No. 12345

THE HICKS HOME
12345 Main St.
Houston, TX 77001
Phone: 713-555-1234

Second Floor Plan

A3

DAVID SMALL DESIGNS

11) Typical Stair Frame Detail

12) Typical Stair Frame Detail

13) Typical Stair Frame Detail

14) Typical Stair Frame Detail

15) Typical Stair Frame Detail

16) Typical Stair Frame Detail

17) Typical Stair Frame Detail

18) Typical Stair Frame Detail

19) Typical Stair Frame Detail

20) Typical Stair Frame Detail

21) Typical Stair Frame Detail

22) Typical Stair Frame Detail

23) Typical Stair Frame Detail

24) Typical Stair Frame Detail

25) Typical Stair Frame Detail

26) Typical Stair Frame Detail

27) Typical Stair Frame Detail

28) Typical Stair Frame Detail

29) Typical Stair Frame Detail

30) Typical Stair Frame Detail

31) Typical Stair Frame Detail

32) Typical Stair Frame Detail

33) Typical Stair Frame Detail

34) Typical Stair Frame Detail

35) Typical Stair Frame Detail

36) Typical Stair Frame Detail

37) Typical Stair Frame Detail

38) Typical Stair Frame Detail

39) Typical Stair Frame Detail

40) Typical Stair Frame Detail

41) Typical Stair Frame Detail

42) Typical Stair Frame Detail

43) Typical Stair Frame Detail

44) Typical Stair Frame Detail

45) Typical Stair Frame Detail

46) Typical Stair Frame Detail

47) Typical Stair Frame Detail

48) Typical Stair Frame Detail

49) Typical Stair Frame Detail

50) Typical Stair Frame Detail

51) Typical Stair Frame Detail

52) Typical Stair Frame Detail

53) Typical Stair Frame Detail

54) Typical Stair Frame Detail

55) Typical Stair Frame Detail

56) Typical Stair Frame Detail

57) Typical Stair Frame Detail

58) Typical Stair Frame Detail

59) Typical Stair Frame Detail

60) Typical Stair Frame Detail

61) Typical Stair Frame Detail

62) Typical Stair Frame Detail

63) Typical Stair Frame Detail

64) Typical Stair Frame Detail

65) Typical Stair Frame Detail

66) Typical Stair Frame Detail

67) Typical Stair Frame Detail

68) Typical Stair Frame Detail

69) Typical Stair Frame Detail

70) Typical Stair Frame Detail

71) Typical Stair Frame Detail

72) Typical Stair Frame Detail

73) Typical Stair Frame Detail

74) Typical Stair Frame Detail

75) Typical Stair Frame Detail

76) Typical Stair Frame Detail

77) Typical Stair Frame Detail

78) Typical Stair Frame Detail

79) Typical Stair Frame Detail

80) Typical Stair Frame Detail

81) Typical Stair Frame Detail

82) Typical Stair Frame Detail

83) Typical Stair Frame Detail

84) Typical Stair Frame Detail

85) Typical Stair Frame Detail

86) Typical Stair Frame Detail

87) Typical Stair Frame Detail

88) Typical Stair Frame Detail

89) Typical Stair Frame Detail

90) Typical Stair Frame Detail

91) Typical Stair Frame Detail

92) Typical Stair Frame Detail

93) Typical Stair Frame Detail

94) Typical Stair Frame Detail

95) Typical Stair Frame Detail

96) Typical Stair Frame Detail

97) Typical Stair Frame Detail

98) Typical Stair Frame Detail

99) Typical Stair Frame Detail

100) Typical Stair Frame Detail

DAVID SMALL DESIGNS

Second Floor Plan

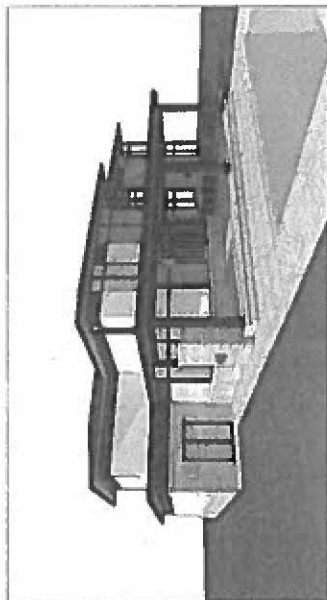
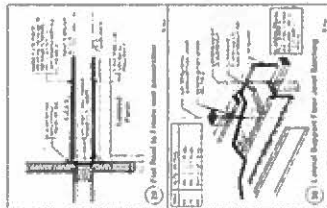
A3

DAVID SMALL DESIGNS

[illegible]

Through time, and in contrast to the literature in the 1970s, the role of the state has been seen to be declining. The state has been seen to be withdrawing from the economy, and the private sector has been seen to be taking over. The state has been seen to be withdrawing from the economy, and the private sector has been seen to be taking over. The state has been seen to be withdrawing from the economy, and the private sector has been seen to be taking over.

- [illegible]



140 Cherry Street
 P.O. Box 2
 Burlington, MA 01802

A7

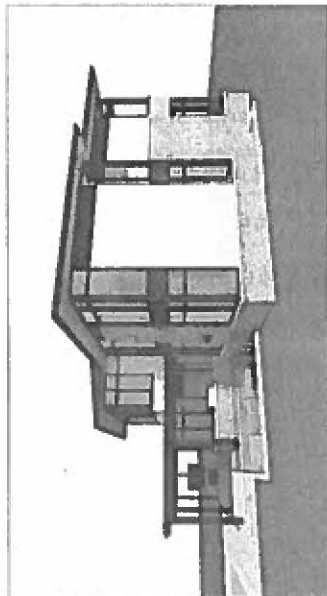
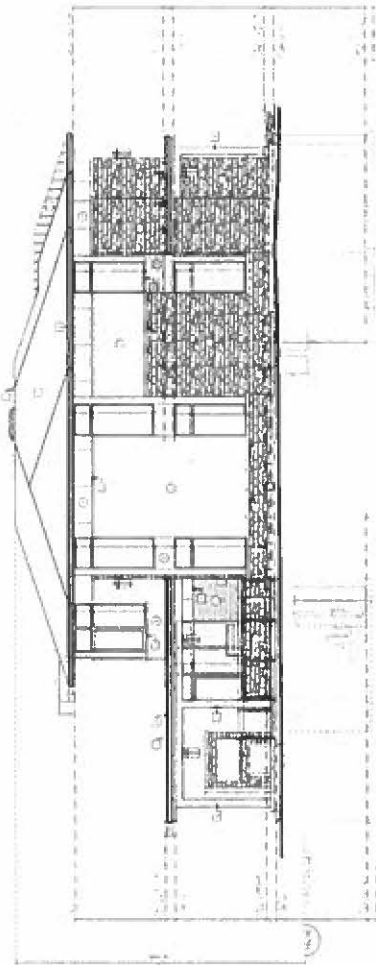
A

DAVID
SMALL
DESIGNS
CO.

1. The _____ of the _____ is _____.
2. The _____ of the _____ is _____.
3. The _____ of the _____ is _____.
4. The _____ of the _____ is _____.
5. The _____ of the _____ is _____.
6. The _____ of the _____ is _____.
7. The _____ of the _____ is _____.
8. The _____ of the _____ is _____.
9. The _____ of the _____ is _____.
10. The _____ of the _____ is _____.

Other experts in the area, the partners of the manager and the business owner, are also likely to be involved with the work as they are essential players in the business. This means that the work is likely to be done in a team environment with the manager and the business owner working closely together to ensure the work is done to the required standard. The manager and the business owner are likely to be involved in the work as they are essential players in the business. This means that the work is likely to be done in a team environment with the manager and the business owner working closely together to ensure the work is done to the required standard.

- [illegible]

[illegible]

1

[illegible][illegible]

THE UNIVERSITY OF CHICAGO
110 SOUTH EAST
CHICAGO, ILL. 60607
Phone 371-4141
Director of the Press

Left-Side
Elevation

A8

DAVID
SMALL
DESIGNS

