

Memorandum to the City of Markham Committee of Adjustment

March 2nd, 2018

File: A/16/18
Address: 29 Clifton Court, Markham
Applicant: Mohammad Nadeem Qureshi & Humera Shadan
Agent: Mohammad Nadeem Qureshi
Hearing Date: Wednesday March 14, 2018

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of By-law 90-81, R10 (S2), as amended:

a) Section 6.1.2(c):

a maximum lot coverage of 52 percent, whereas the By-law requires 40 percent;

b) Amending By-law 325-97, Section 1.3(c):

a minimum rear yard setback of 3.17 m, whereas the By-law requires 7.5 m;

as they relate to a proposed one-storey addition to the rear of the existing dwelling.

Property Description

The 384 m² (4,133.34 ft²) subject property is located on the south side of Clifton Court, south of 14th Avenue and west of Middlefield Road. The surrounding area is an established residential neighbourhood comprised of two-storey detached dwellings. The property contains 295.44 m² (3,180 ft²) two-storey detached dwellings, which according to assessment records was constructed in 2001.

Proposal

The applicant is proposing to construct a 52 m² (559.72 ft²) single-storey addition to the rear of the existing home, increasing the total gross floor area of the building to approximately 347.44 m² (3,739.81 ft²).

Official Plan and Zoning

2014 Official Plan (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17, Nov 24/17)

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

The subject property is zoned R10 (S2) under By-law 90-81, as amended, which permits single detached dwellings. The proposed development does not comply with the by-law requirements with respect to lot coverage and rear yard setback.

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

According to the applicant, the variance is to provide additional living space to accommodate a family member with special needs.

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.

Lot Coverage and Rear Yard Setback Variances

The applicant is requesting relief from the by-law to permit minimum rear yard setback of 3.17 m (10.4 ft), whereas the by-law requires a minimum rear yard setback of 7.5 m (24.6 ft); and a maximum lot coverage of 52 percent, whereas the by-law permits a maximum lot coverage of 40 percent, to facilitate the development of a single-storey addition across the rear of the existing dwelling.

The property is located within an established residential neighbourhood. Records indicate that no other dwellings within the immediate vicinity have been the subject of an increase in lot coverage or reduction in rear yard setback and the area is generally not experiencing a transition to larger homes. Staff are concerned that the scale of the proposed addition is distinctly larger than any other building or structure in a rear yard and is not in keeping with the character of surrounding homes that were built in accordance with the lot coverage and rear yard setback requirements.

In addition the proposal will result in a major deviation from the established rear yard setback pattern, leading to potential loss of privacy of neighbouring residents and an impact on normal residential amenity. The requested variances will also contribute to the overbuilding of the property and loss of rear yard amenity space, which the lot coverage and rear yard setback provisions seek to prevent, and therefore does not meet the general intent of the zoning by-law.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 2nd, 2017. 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 this 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 proposed variances do not satisfy the four tests of the Planning and therefore recommend the application be denied. 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.

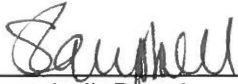
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:



Sally Campbell, Development Manager, East District

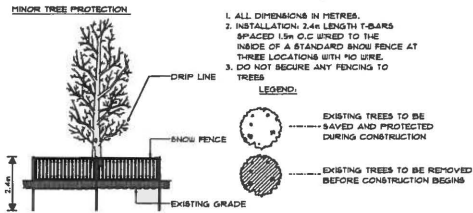
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INFORMATION FROM THIS PLAN WAS BASED UPON:
SURVEYOR'S REAL PROPERTY REPORT

PLAN OF PART OF LOTS 108 & 109
REGISTERED PLAN 65M-3044
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
SCALE 1:200



INFORMATION TAKEN FROM SURVEYOR'S REAL REPORT
COMPLETED BY AKSAN PILLER CORPORATION LTD.
DATED JANUARY 24, 2018



- A1 SITE PLAN
- A2 FLOOR AND ROOF PLAN
- A3 WEST AND EAST SIDE ELEVATION
- A4 SOUTH ELEVATION

LIST OF DRAWINGS

SITE STATISTICS (BY-LAW 90-81)

ZONING DATA	REQ'D/PERMITTED	ADDITION
ZONING DESIGNATION:	R10(S2)	
FRONT YARD SETBACK	4.5m(14'-9")	4.5m(14'-9")
SIDE YARD SETBACKS	1.2m & 0.6m	W 1.79m E 1.53m
REAR YARD SETBACKS	7.62m(25'-0")	3.17m(10'-4-1/2")
LOT AREA	383.91m(4132.40 sq.ft.)	383.91m(4132.40 sq.ft.)
MAX. HEIGHT (SLOPED)	10.7m (PEAK OF ROOF)	3.43m (ONE-STOREY ADDITION)
COVERAGE	33.33% (193.521m)	EXIST. + PROPOSED = TOTAL 1485m (38.5%) 525m (13.5%) 2008m (52%)

NOTES:

THE BUILDING OWNER IS TO CHECK AND VERIFY ALL DIMENSIONS, IF ANY DISCREPANCIES THEY MUST BE REPORTED TO THE ENGINEER AND LAND SURVEYOR PRIOR TO CONSTRUCTION.

IT IS THE RESPONSIBILITY OF THE BUILDER TO HAVE THIS SKETCH SHOWING SITE GRADING DETAIL CHECKED AND ENDORSED BY THE APPROPRIATE CITY OF MARKHAM APPROVING AUTHORITY.

ALL GRADING AND SITE SERVICES ARE TO COMPLY WITH THE CITY OF MARKHAM STANDARDS AND SPECIFICATIONS, AND

IT IS THE RESPONSIBILITY OF THE BUILDING OWNER TO HAVE A REGISTERED ONTARIO LAND SURVEYOR OR A REGISTERED PROFESSIONAL ENGINEER OF ONTARIO VERIFY THE FOOTING FOUNDATIONS, SETBACKS, AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

ALL DITCHES, GULLIES AND DEPRESSIONS ARE TO BE SOGGED.

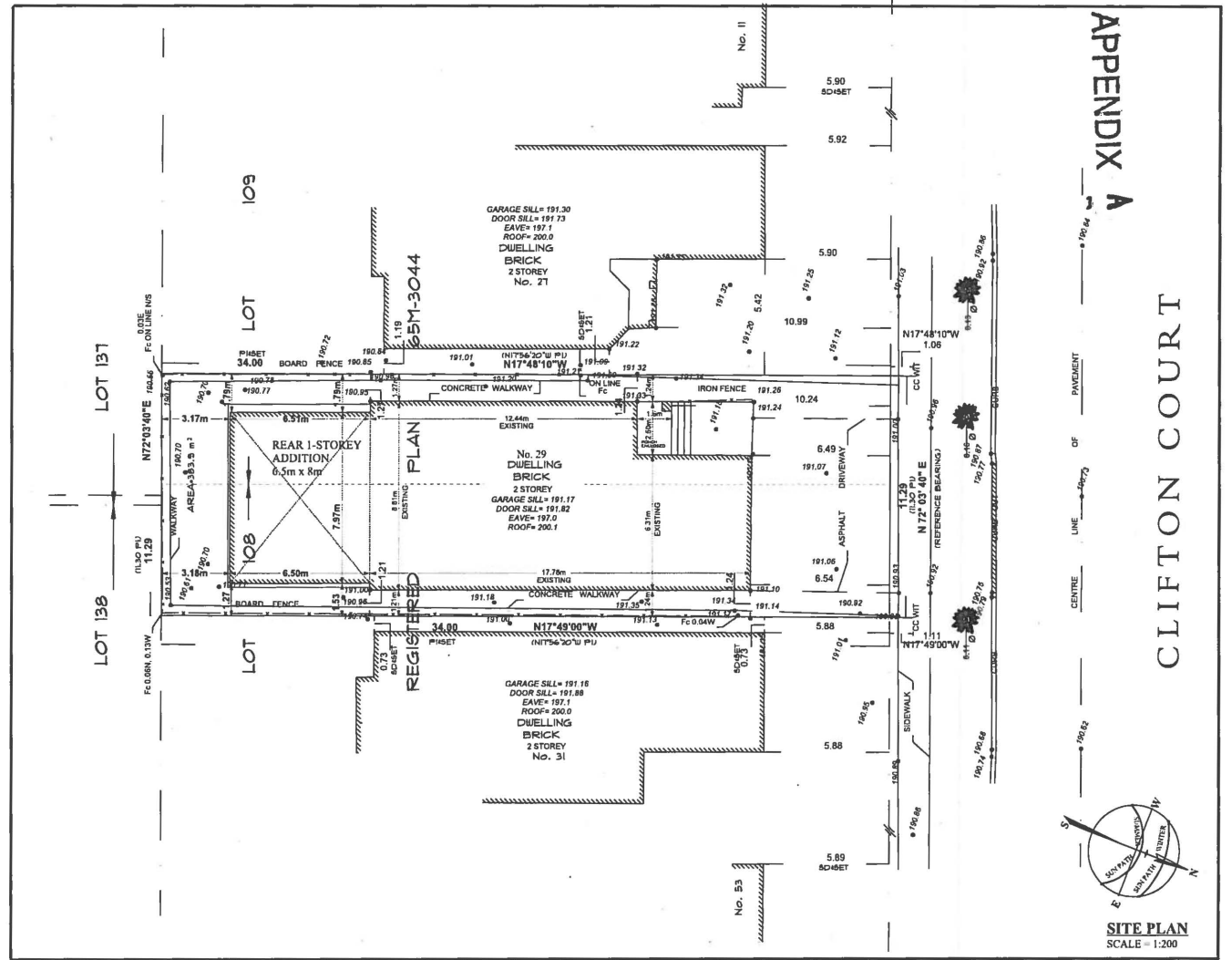
ALL DITCHES, GULLIES AND DEPRESSIONS ARE TO BE SOGGED.

NO TREES TO BE REMOVED WITHOUT PRIOR CONSENT FROM THE CITY ARBORIST.

CONTRACTOR SHALL MAINTAIN ADJACENT STREETS AND LOTS FREE OF DUST, MUD AND OTHER REFUSE THROUGHOUT THE DURATION OF CONSTRUCTION. ANY CLEANING OF ADJACENT STREETS OR LOTS DURING THE CONSTRUCTION PERIOD SHALL BE PAID BY THE CONTRACTOR.

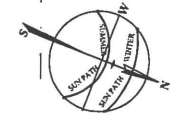
CONTRACTOR SHALL RESTORE ALL DISTURBED AREAS TO PRE CONSTRUCTION CONDITIONS OR BETTER TO SATISFACTION OF THE CITY OF TORONTO.

ALL WORKS TO BE IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT.



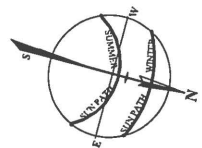
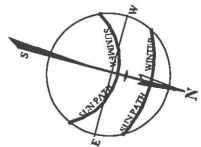
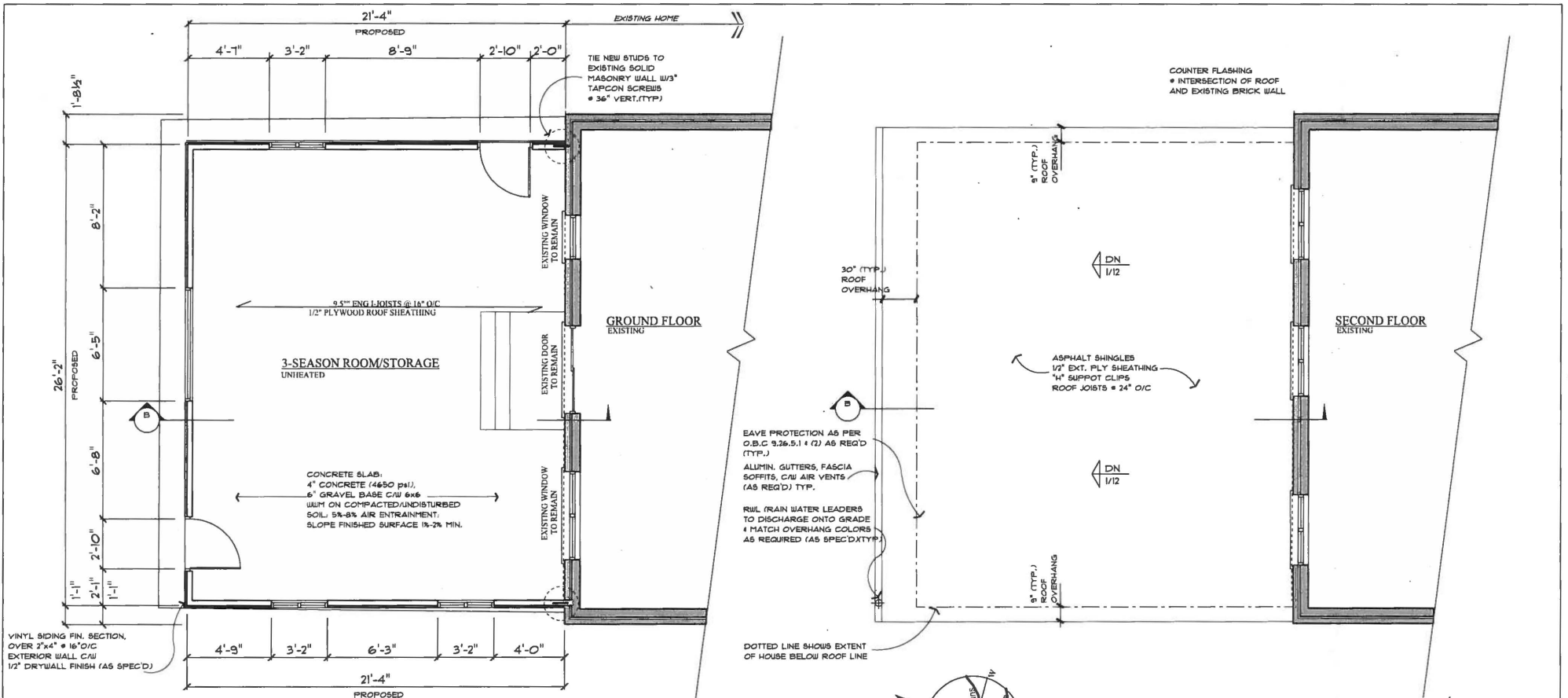
APPENDIX A

CLIFTON COURT



SITE PLAN
SCALE = 1:200

Project Name	PROPOSED REAR ONE-STOREY ADDITION	
Project Location	29 CLIFTON COURT	
Drawing's Title	SITE PLAN	
Project Number		Sheet No. A1
Scale	AS SHOWN	



GROUND FLOOR PLAN
SCALE: 3/16" = 1'-0"

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

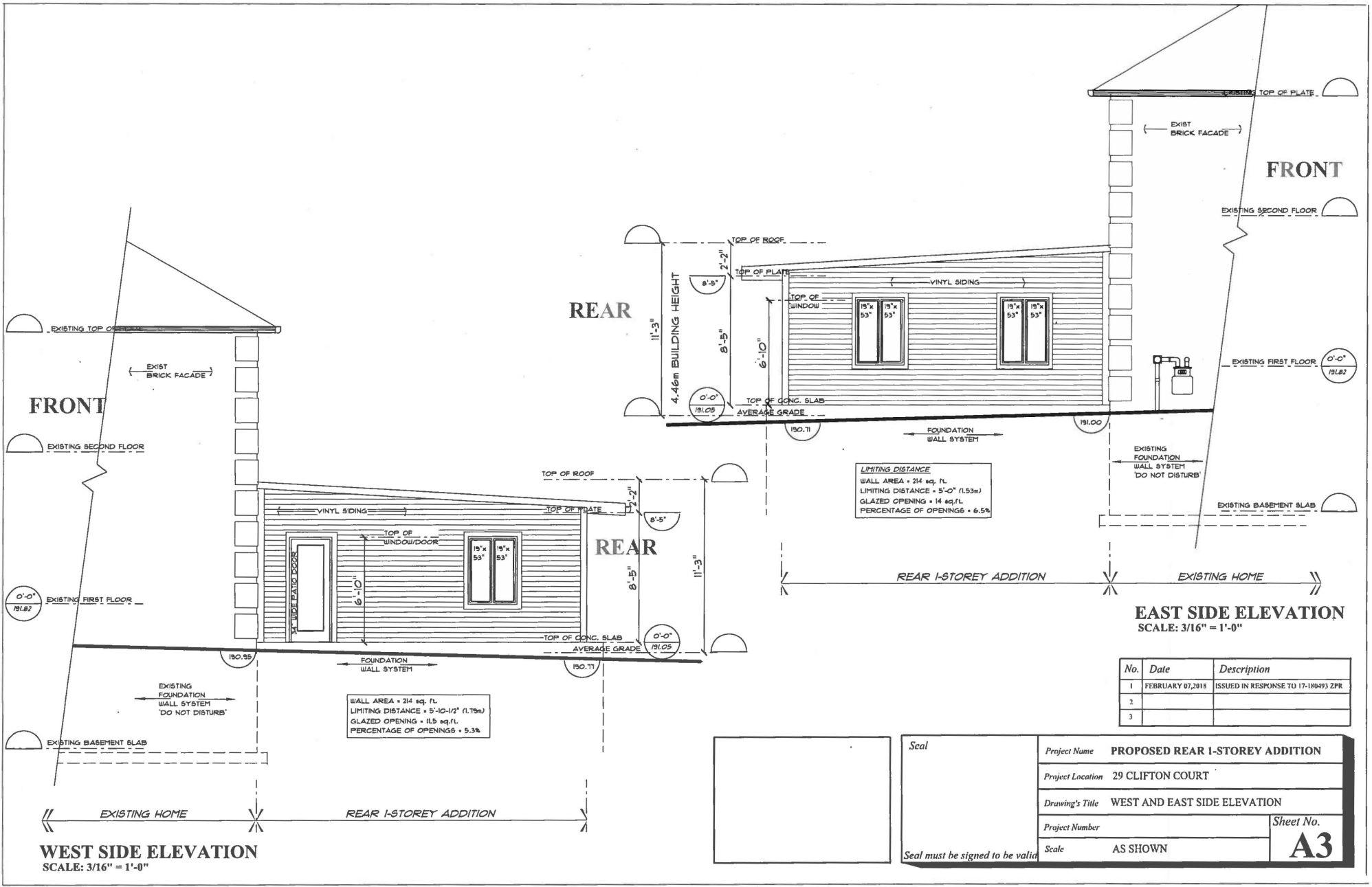
NOTE:
ALL FLOOR JOIST BLOCKING BRIDGING, CANTILEVERS + REINFORCEMENT TO BE INSTALLED AS PER ENG. FLOOR MANUF. LAYOUTS, SPECIFICATIONS + DETAILS

LEGEND:

- EXISTING - BRICK VENEER WALL 'DO NOT DISTURB'
- PROPOSED VINYL SIDING FIN. SECTION OVER 2"x4" @ 16" O/C EXTERIOR WALL 1/2" DRYWALL FINISH (AS SPEC'D)

No.	Date	Description
1	FEBRUARY 07, 2018	ISSUED IN RESPONSE TO 17-180493 ZPR
2		
3		

Project Name	PROPOSED REAR 1-STOREY ADDITION	
Project Location	29 CLIFTON COURT	
Drawing's Title	GROUND FLOOR PLAN	
Project Number		Sheet No.
Scale	AS SHOWN	A2



WEST SIDE ELEVATION
SCALE: 3/16" = 1'-0"

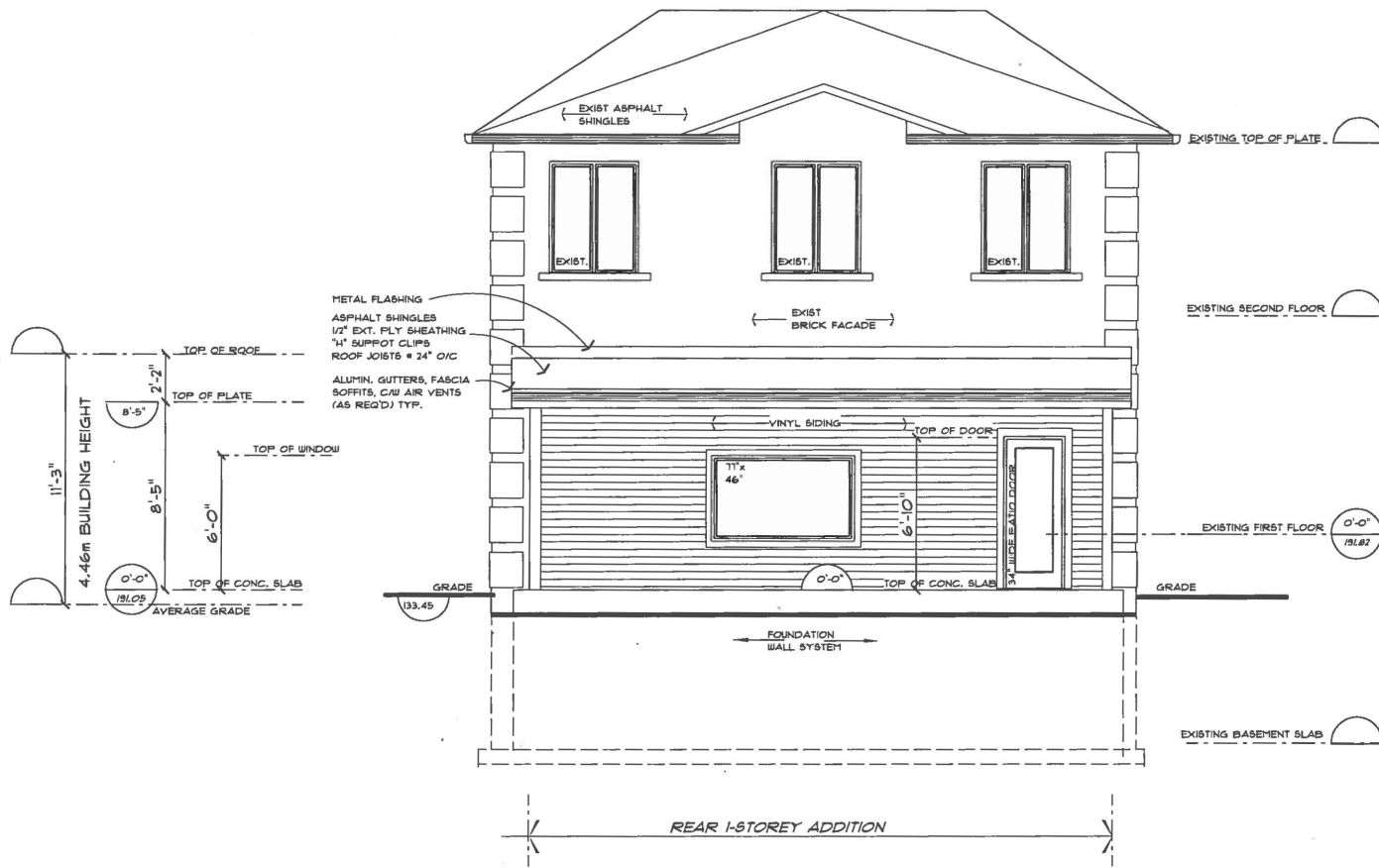
EAST SIDE ELEVATION
SCALE: 3/16" = 1'-0"

LIMITING DISTANCE
WALL AREA = 214 sq. ft.
LIMITING DISTANCE = 5'-0" (1.53m)
GLAZED OPENING = 14 sq.ft.
PERCENTAGE OF OPENINGS = 6.5%

WALL AREA = 214 sq. ft.
LIMITING DISTANCE = 5'-10-1/2" (1.79m)
GLAZED OPENING = 11.5 sq.ft.
PERCENTAGE OF OPENINGS = 5.3%

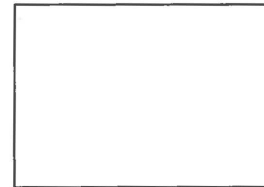
No.	Date	Description
1	FEBRUARY 07, 2018	ISSUED IN RESPONSE TO 17-180493 ZPR
2		
3		

Seal Seal must be signed to be valid	Project Name	PROPOSED REAR 1-STOREY ADDITION
	Project Location	29 CLIFTON COURT
	Drawing's Title	WEST AND EAST SIDE ELEVATION
	Project Number	
Scale	AS SHOWN	Sheet No. A3



SOUTH 'REAR' ELEVATION
 SCALE: 3/16" = 1'-0"

No.	Date	Description
1	FEBRUARY 07, 2018	ISSUED IN RESPONSE TO 17-180493 ZPR
2		
3		



Seal	Project Name PROPOSED REAR 1-STOREY ADDITION	
	Project Location 29 CLIFTON COURT	
	Drawing's Title SOUTH 'REAR' ELEVATION	
	Project Number	Sheet No.
	Scale AS SHOWN	A4

Seal must be signed to be valid