

Memorandum to the City of Markham Committee of Adjustment
January 11, 2018

File: A/179/17
Address: 158 Church Street, Markham
Applicant: QX4 Investments Ltd. - Consulting Services (Ben Quan)
Owner: Manivasagar Kanagaratnam
Hearing Date: Wednesday January 24, 2018

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

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

a) Infill By-law 99-90, Section 1.2 (i):

a maximum building height of 10.8 metres, whereas the By-law permits a maximum building height of 9.8 metres;

as it relates to a proposed residential dwelling.

BACKGROUND

Property Description

The subject property is located on the north side of Church Street, north of Highway 7 East and west of 9th Line. The surrounding neighbourhood includes a mixture of one- and two-storey dwellings, with larger lots along the north side of Church Street and generally smaller lots elsewhere. The subject property has an area of 2,178 m² (23,444 ft²), a frontage of 28.9 m (95 ft), and a depth of 75.2 m (246 ft). There is an existing two-storey detached dwelling on the property which, according to assessment records, has a gross floor area of approximately 125.5 m² (1,351 ft²) and was built in 1970. The site includes a shed in the rear yard and mature vegetation, including several large trees in the front yard. Vehicular access is via a paved driveway from Church Street.

Proposal

The application proposes to demolish the existing dwelling and construct a new two-storey detached dwelling with attached three-car garage and circular driveway. Four trees will be removed from the front yard to accommodate the proposed dwelling. The applicant will be required to provide compensation for tree removals to the satisfaction of the City. The total gross floor area of the proposed dwelling is approximately 627.3 m² (6,752 ft²), with a ground floor area of 319.6 m² (3,440 ft²) and a second floor area of 307.7 m² (3,312 ft²).

Official Plan and Zoning

Official Plan 2014 (partially approved on October 30, 2015, May 26, 2016, March 10, 2017 and April 21, 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 R1 – Single Detached Dwelling under By-law 1229, as amended, which permits single detached dwellings.

Residential Infill Zoning By-law

The subject property is also subject to Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure that the built form of new residential development 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 building height requirements of the Infill By-law.

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

The application form indicates, “The By-law is antiquated and does not facilitate the construction of a modern house, consistent with current planning policy of the City and Province.”

Zoning Preliminary Review Not Undertaken

The applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Consequently, it is the applicant’s responsibility to ensure that the application has 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 variance applications may be required to address 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.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.8 m (35.4 ft), whereas the By-law permits a maximum building height of 9.8 m (32.2 ft). This represents an increase of 1 m (3.28 ft).

The By-law defines building height as the vertical distance from the crown of the road to the highest point of the roof surface. It is noted that the crown of the road is approximately 0.27 m lower than the proposed average grade of the property.

The proposed building height is similar in scale to nearby infill developments on Church Street. Since 2015, three minor variances have been approved on Church Street for building heights ranging from 10.41 to 10.8 metres.

The proposed dwelling is well within the required front yard setback, which helps to reduce its perceived height from the street. The proposed dwelling is situated 12.51 m (41 ft) from the front lot line, 10.23 m (33.6 ft) from the dwelling to the west, and 7.29 m (23.9 ft) from the dwelling to the east. The generous setback from the dwelling to the west helps to reduce shadowing impacts. A row of trees on the property to the east mitigates visual impact and overlooking opportunities to that property. Articulation at the northeast corner of the dwelling serves to reduce shadowing impacts to the property to the east.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 11, 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 request satisfies the four tests of the Planning Act and have no objection to approval of the application. 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, Planner, Zoning and Special Projects

REVIEWED BY:



Sally Campbell, Development Manager, East District

File Path: Amanda\File\ 17 182331 \Documents\District Team Comments Memo

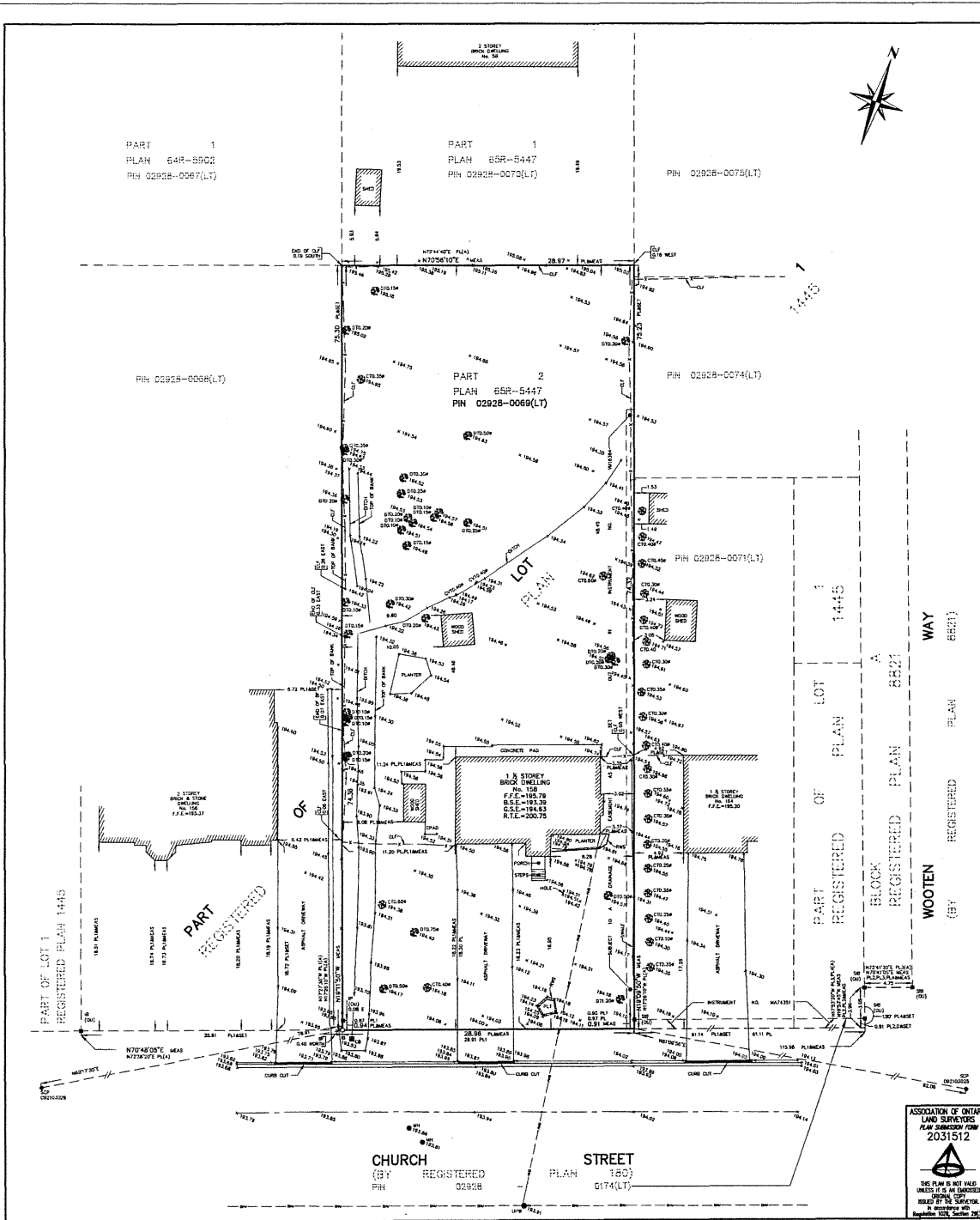
APPENDIX “A” - CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/179/17

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 dated December 6, 2017, 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 the Director of Planning and Urban Design or designate 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 Director of Planning and Urban Design or their designate;
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 Director of Planning and Urban Design or designate;
6. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate.

CONDITIONS PREPARED BY:



Greg Hayes, Planner, Zoning and Special Projects



SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF SURVEY AND
PLAN OF TOPOGRAPHY OF
PART OF LOT 1
REGISTERED PLAN 1445
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
 SCALE 1:200
 10m 0 10 METRES
 THAM SURVEYING LIMITED, O.L.S. (S)

METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PART 2 (SURVEY REPORT)
 1. REGISTERED EASEMENTS AND/OR RIGHT OF WAYS PART OF LOT 1, REGISTERED PLAN 1445 IS SUBJECT TO A DRAINAGE EASEMENT AS SET OUT IN INSTRUMENT NO. M421031.
 2. OCCUPATION NOTES: FENCES AS SHOWN ON PLAN.
 3. THIS PLAN COMPRISES ALL OF PIN 02928-0069(L).
 4. THIS PLAN SHOULD BE READ IN CONJUNCTION WITH A SURVEY REPORT DATED SEPTEMBER 18th, 2017.

THIS REPORT WAS PREPARED FOR MANIVASAGAR KANAGARATHAM AND THE UNDERSIGNED ACCEPTS HIS RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

- LEGEND**
- DENOTES MONUMENT SET
 - DENOTES MONUMENT FOUND
 - DENOTES CATCHBAIN
 - DENOTES CONIFEROUS TREE AND DIAMETER
 - DENOTES DECIDUOUS TREE AND DIAMETER
 - DENOTES MAINTENANCE HOLE
 - DENOTES UTILITY POLE WOOD
 - DENOTES IRON BAR
 - DENOTES IRON PIPE
 - DENOTES STANDARD IRON BAR
 - PL DENOTES PLAN 658-5447
 - PL1 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY VLADIMIR DOSEN SURVEYING, O.L.S. DATED JANUARY 14th, 2014
 - PL2 DENOTES PLAN OF SURVEY BY HOLDING AND BARRIS, O.L.S DATED MAY 18th, 1971
 - PL3 DENOTES PLAN 658-2512
 - PL4 DENOTES REGISTERED PLAN 8821
 - D DENOTES INSTRUMENT NO. M421031
 - (A) DENOTES ASTRONOMIC BEARING
 - (O) DENOTES ORIGIN UNKNOWN
 - OF DENOTES BOARD FENCE
 - CLF DENOTES CHAIN LINK FENCE
 - DENOTES CULVERT AND DIAMETER
 - DENOTES CONCRETE PAD
 - E DENOTES EASTERLY DIRECTION
 - DENOTES PLANTER
 - RWS DENOTES STONE RETAINING WALL
 - PH DENOTES PROPERTY OWNER NUMBER
 - MEAS DENOTES MEASURED
 - F.F.E DENOTES FINISHED FLOOR ELEVATION AT ENTRANCE
 - B.S.E DENOTES BASEMENT SLAB ELEVATION
 - G.S.E DENOTES GARAGE SLAB ELEVATION
 - R.T.E DENOTES ROOF TOP ELEVATION
 - N DENOTES NORTHING COORDINATES
 - E DENOTES EASTING COORDINATES

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.
 DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE CONVERTED GRID DISTANCES BY MULTIPLYING BY A CORRECTED SCALE FACTOR OF 0.999814045.

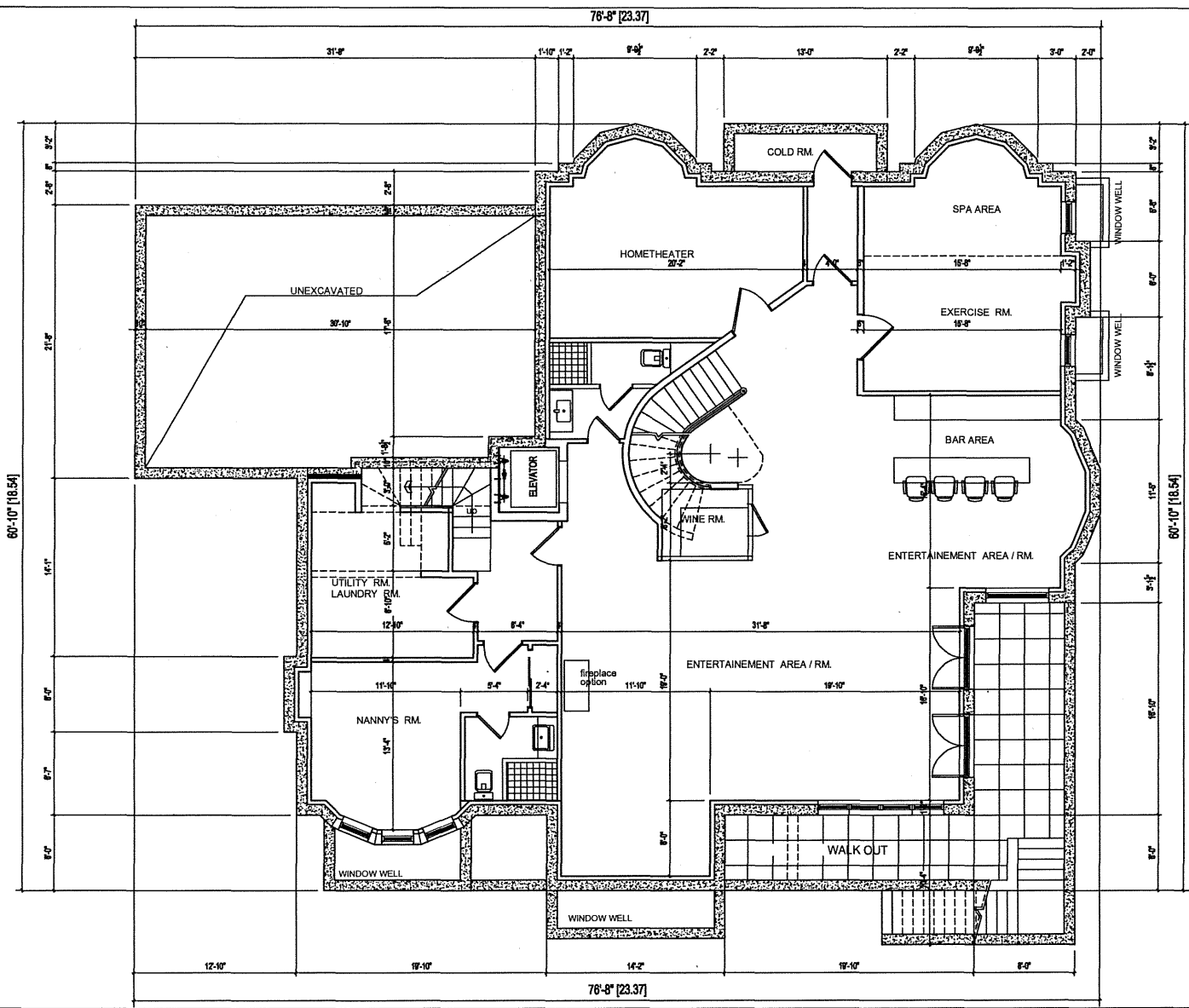
BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE DERIVED FROM SPECIFIED CONTROL POINTS 092103025 (N=4860301.971, E=641191.143) AND 092103026 (N=4860282.235, E=640294.862) AS SHOWN ON THIS PLAN AND ARE BASED ON U.T.M. ZONE 17, CENTRAL MERIDIAN 81° 00' WEST LONGITUDE, NAD 83 (ORIGINAL).

BENCHMARK NOTE
 ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No. 438-020, HAVING AN ELEVATION OF 185.0945 METRES. BENCHMARK SET VERTICALLY BY CONCRETE MONUMENT FLUSH WITH GRADE. MONUMENT IS LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CHURCH STREET AND WOOTEN WAY.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 18th, DAY OF SEPTEMBER, 2017.
 DATE: 18th SEP 2017
 SIGNATURE: [Signature]
 ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
 2031512
 THIS PLAN IS NOT VALID UNLESS IT IS LOANED FROM THE ASSOCIATION OF ONTARIO LAND SURVEYORS
 IN ACCORDANCE WITH SECTION 20(5)

THAM SURVEYING LIMITED
 ONTARIO LAND SURVEYORS
 www.thamsurveying.com
 4808 WAZLEE STREET, UNIT 7 PHONE: 905-781-6521 FAX: 905-781-6523
 VAUGHAN, ONTARIO, L4K 2N2 1-855-781-6521
 DRAWN BY: [Name] CHECKED BY: [Name] CAD NUMBER: [Number] ZONE NUMBER: [Number]
 SCALE: [Scale] TITLE: [Title] DATE: [Date]



MARK	DATE	DESCRIPTION
1		APPROVED BY CLIENT
2	09 12 2017	ISSUED FOR C.O.A.

DESIGN

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

Qualification Information
 Required unless design is exempt under Division C-3.2.5.1 of the 2009 Ontario Building Code

Name: Zoran Paar
 Registration Information: 24546 BCIN / BCDN

Required unless design is exempt under Division C-3.2.4.1 of the 2009 Ontario Building Code

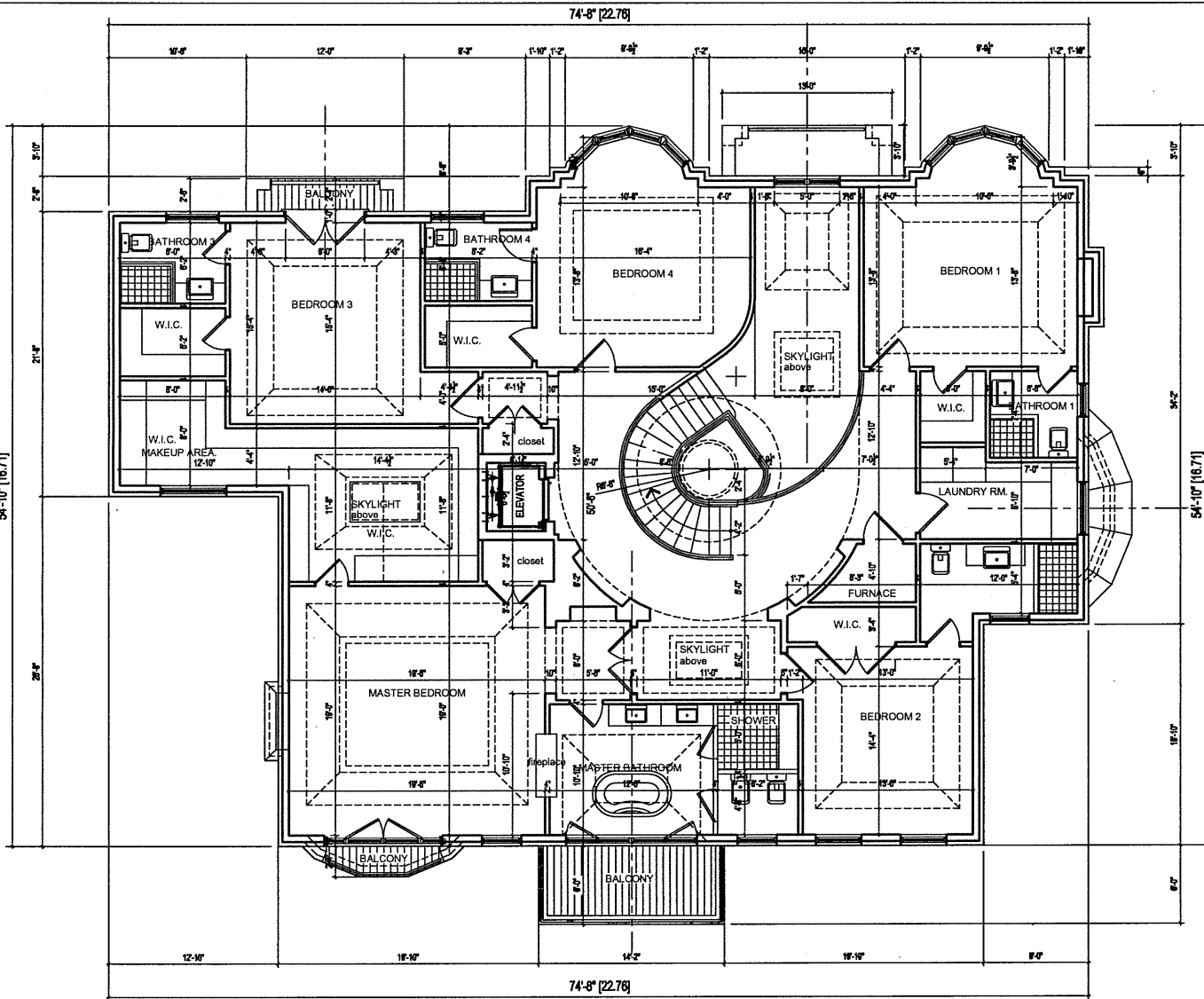
PAAR Architecture and Interior Design Inc.
 Firm Name: 31766 BCIN / BCDN

PROJECT:

No. 158
 CHURCH STREET
 CITY OF MARKHAM
 2 STOREY DWELLING
 CELLAR / BASEMENT
 FLOOR PLAN
 scale 1/8"=1'-0"

PAAR DESIGN INC.
 22 BLUE FOREST DR.
 TORONTO, ON.
 M3H 4W2
 P: 416 830 2100
 WWW.PAARDDESIGN.COM
 INFO@PAARDDESIGN.COM

A 02



MARK	DATE	DESCRIPTION
1.		APPROVED BY CLIENT
2.	08 12 2017	ISSUED FOR C.O.A.

REVISIONS

DESIGN

The undersigned has reviewed and taken responsibility for the design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer.

Qualification Information:
 Registered unless design is exempted under Division C-9.2.1.1 of the 2005 Ontario Building Code

Zorin Paer 26646

Registration Information:
 Registered unless design is exempted under Division C-9.2.1.1 of the 2005 Ontario Building Code

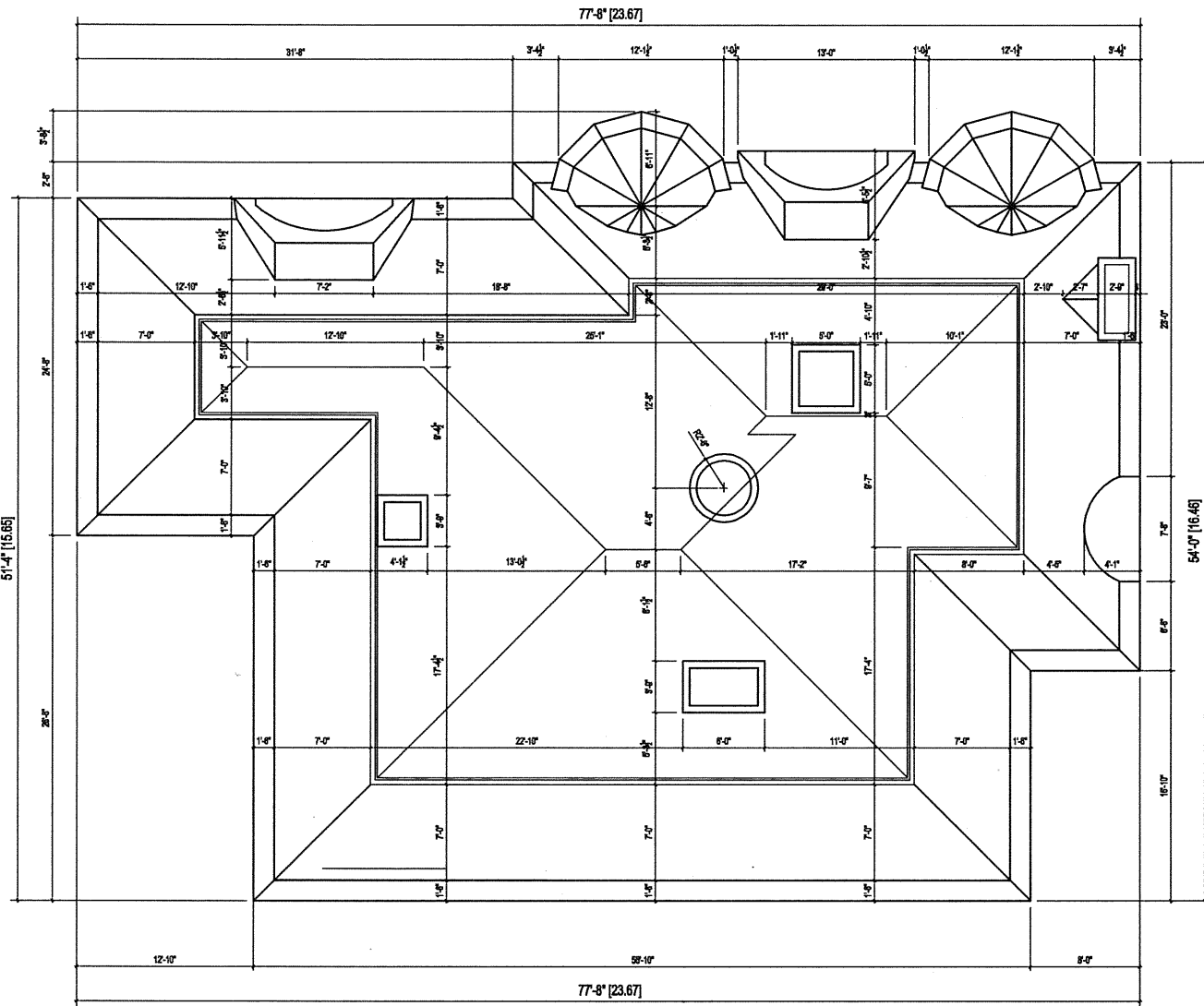
PAAR Architects and Interior Designers Inc. 31785
 Firm Name: BCIN / BCIN

PROJECT:

No. 158
 CHURCH STREET
 CITY OF MARKHAM
 2 STOREY DWELLING
 SECOND FLOOR PLAN

scale 1/8"=1'-0"

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MARK	DATE	DESCRIPTION
1.		APPROVED BY CLIENT
2.	08 12 2017	ISSUED FOR C.O.A.

DESIGN

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

Qualification Information
 Required unless design is exempted under Division C-3.2.5.1 of the 2006 Ontario Building Code

Zone/Peer Name: 23645 BCIN / BCIN

Registration Information
 Required unless design is exempted under Division C-3.2.4.1 of the 2003 Ontario Building Code

PAAR Architecture and Interior Design Inc. 31765 BCIN / BCIN

PROJECT:

No. 158
 CHURCH STREET
 CITY OF MARKHAM
 2 STOREY DWELLING
 ROOF PLAN
 scale 1/8"=1'-0"

PAAR
 DESIGN

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 info.paar@paar.com

A 05



MARK	DATE	DESCRIPTION
1		APPROVED BY CLIENT
2	08 12 2017	ISSUED FOR C.O.A.

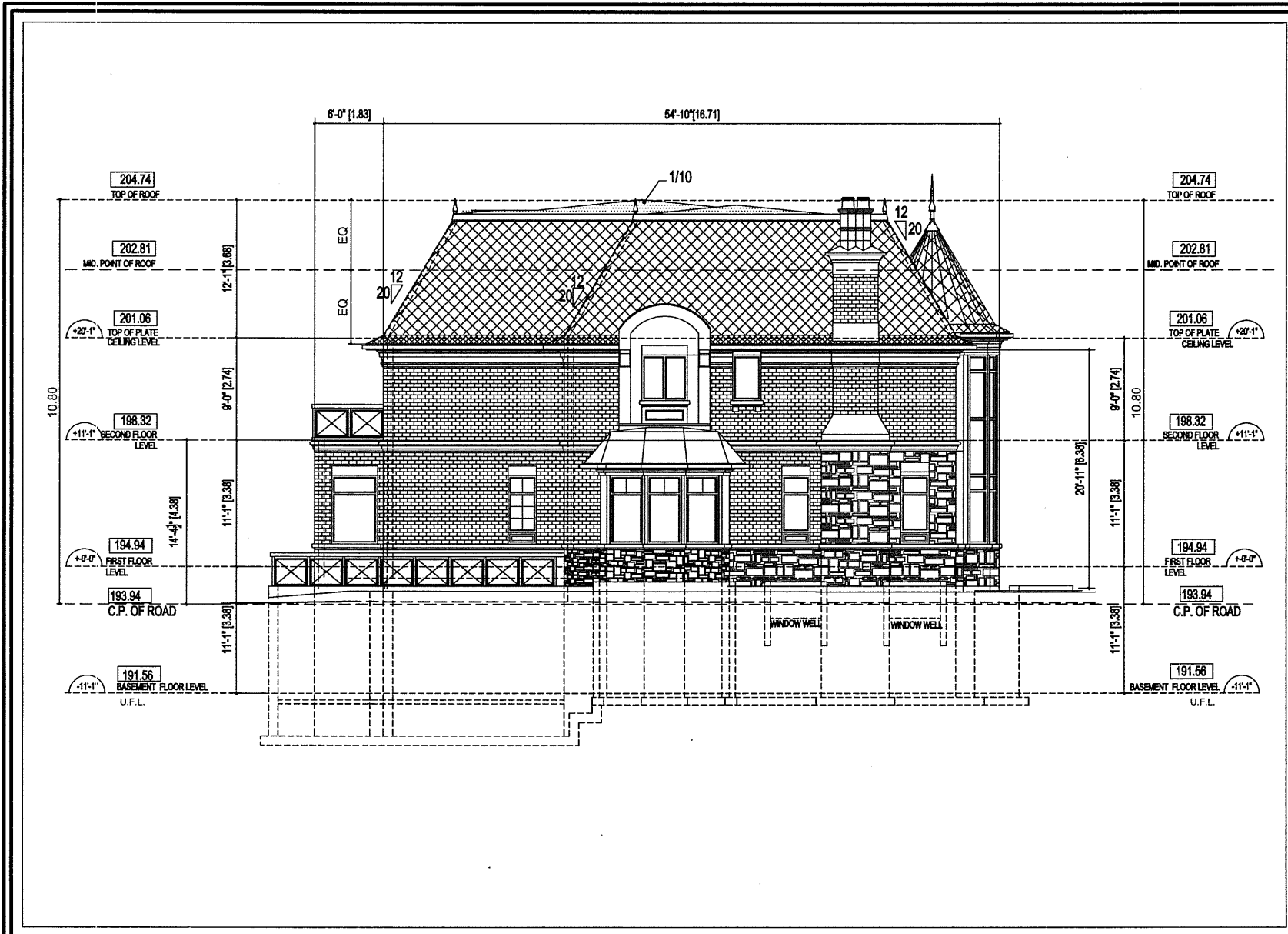
REVISION NOTES

DESIGN
 The undersigned has reviewed and taken responsibility for the design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer.
 Qualification Information
 Registered Under Design as regulated under Division C-3.2.1.1 of the 2006 Ontario Building Code
 Zaven Paor 24846 BCIN / BCOC
 Name
 Registration Information
 Registered Under Design as regulated under Division C-3.2.4.1 of the 2006 Ontario Building Code
 PAAR Architecture and Interior Design Inc. 31786 BCIN / BCOC
 Firm Name

PROJECT:
 No. 158
 CHURCH STREET
 CITY OF MARKHAM
 2 STOREY DWELLING
 FRONT/ SOUTH ELEVATION
 scale 1/8"=1'-0"

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A 06



MARK	DATE	DESCRIPTION
1.		APPROVED BY CLIENT
2.	08 12 2017	ISSUED FOR C.O.A.

REVISIONS	DATE	DESCRIPTION

DESIGN

The undersigned has reviewed and taken responsibility for the design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer.

Confirmation Information:
 Required unless design is executed under Division C-3.2.1.1 of the 2006 Ontario Building Code

Zoning Permit: 24626

Regulatory Information:
 Required unless design is executed under Division C-3.2.4.1 of the 2006 Ontario Building Code

PAAR Architecture
 and
 Interior Design Inc. 31786

Plan Name: BC01 / BC02

PROJECT:

No. 158
 CHURCH STREET
 CITY OF MARKHAM
 2 STOREY DWELLING
 SIDE / WEST ELEVATION

scale 1/8"=1'-0"

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A 07



MARK	DATE	DESCRIPTION
1.		APPROVED BY CLIENT
2.	08 12 2017	ISSUED FOR C.O.A.

DESIGN

The undersigned has reviewed and is responsible for the design, and has the qualifications and makes the requirements set out in the Ontario Code to be a designer.

Qualification Information:
 Prepared unless design is exempt under Division C-3.2.1.1 of the 2006 Ontario Building Code

Name: Zarnet Paar
 24846 BCIN / BCDA

Registration Information:
 Prepared unless design is exempt under Division C-3.2.4.1 of the 2006 Ontario Building Code

PAAR Architects and Interior Design Inc. 31799 BCIN / BCDA

PROJECT:
 No. 158
 CHURCH STREET
 CITY OF MARKHAM
 2 STOREY DWELLING
 REAR/NORTH ELEVATION
 scale 1/8"=1'-0"

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A 08



MARK	DATE	DESCRIPTION
1.		APPROVED BY CLIENT
2.	06 12 2017	ISSUED FOR C.O.A.

REVISIONS	DESCRIPTION

DESIGN

The undersigned has reviewed and taken responsibility for the design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer.

Required unless design is executed under Division C-3.2.5.1 of the 2005 Ontario Building Code

Qualification Information:
 Zoran Paar: 26646 BCIN / BCDO
 PAAR Architecture: Registered Information of the 2005 Ontario Building Code
 and
 PAAR Design Inc.: 31786 BCIN / BCDO
 Firm Name

PROJECT:
 No. 158
 CHURCH STREET
 CITY OF MARKHAM
 2 STOREY DWELLING
 SIDE/EAST ELEVATION
 scale 1/8"=1'-0"

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