

# Memorandum to the City of Markham Committee of Adjustment

March 20, 2019

**File:** A/19/19  
**Address:** 70 Chant Cres, Markham  
**Applicant:** Fucai Wang  
**Agent:** Bill Ross & Associates (Bill Ross)  
**Hearing Date:** Wednesday March 27, 2019

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

The applicant is requesting relief from the following requirements of By-law 11-72, R3, as amended:

**a) Section 6, Schedule B:**

a maximum lot coverage of 35.86 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent;

**b) Section 6, Schedule B:**

a maximum building height of 26 ft 5 in, whereas the By-law permit a maximum building height of 25 ft;

as they relate to a proposed residential dwelling.

## BACKGROUND

### Property Description

The 696.75 m<sup>2</sup> (7,500 ft<sup>2</sup>) subject property is located on the east side of Chant Crescent, north of Highway 7 & east of Warden Avenue. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. To the north side of the property is an alley. There is an existing two-storey detached 198.81 m<sup>2</sup> (2,140 ft<sup>2</sup>) dwelling on the property, which according to assessment records was constructed in 1972. Mature vegetation exists across the property.

### Proposal

The applicant is proposing to construct a new two-storey detached dwelling with an attached garage, a rear uncovered patio and, a rear uncovered walkout.

### 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 11-72

The subject property is zoned R3 – ‘Third Density Single Family Residential’ under By-law 11-72, as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to maximum lot coverage and maximum building height.

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

The applicant has not provided a reason for not complying with Zoning.

### **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) on February 14, 2019 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 Height**

The applicant is requesting relief to permit a maximum building height of 8.05 m (26.42 ft), whereas the By-law permits a maximum building height of 7.62 m (25 ft). This represents an increase of approximately 0.43 m (1.42 ft).

The height variance is in part attributable to the fact that the grade height of the centreline (crown) of the street is lower than the proposed average grade of the property. There is an alley to the left of the subject property and the proposed dwelling will maintain more than 5.81 m (17 ft) from the property to its left and approximately 1.82 m (6 ft) from the property to its right. While the proposed dwelling is taller than what the By-law permits, Staff are of the opinion that the variance request for maximum building height is minor in nature and will not result in demonstrable adverse impacts to neighbouring properties.

### **Increase in Maximum Lot Coverage**

The applicant is requesting relief for a maximum lot coverage of 35.86 percent, whereas the By-law permits a maximum lot coverage of 33.33 percent. The proposed lot coverage includes a front unenclosed covered porch which adds approximately 5.65 m<sup>2</sup> (60.82 ft<sup>2</sup>) to the overall building area. The proposed lot coverage also includes a rear two-storey projection which occupies a portion of the rear elevation and adds approximately 7.6 m<sup>2</sup> (81.81 ft<sup>2</sup>) to the overall building area. Excluding the front covered porch and rear two-storey projection, the proposed dwelling has a lot coverage of approximately 34 percent. Given that the front covered porch is unenclosed and that the rear two-storey projection occupies a portion of the rear elevation, Staff are of the opinion that the requested variance for maximum lot coverage is minor in nature.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of March 18, 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.

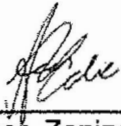
**CONCLUSION**

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. 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.

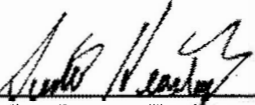
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



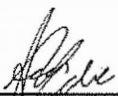
\_\_\_\_\_  
Scott Heaslip, Senior Project Coordinator, Central District  
File Path: Amanda\File\19 114423 \Documents\District Team Comments Memo

**APPENDIX "A"**

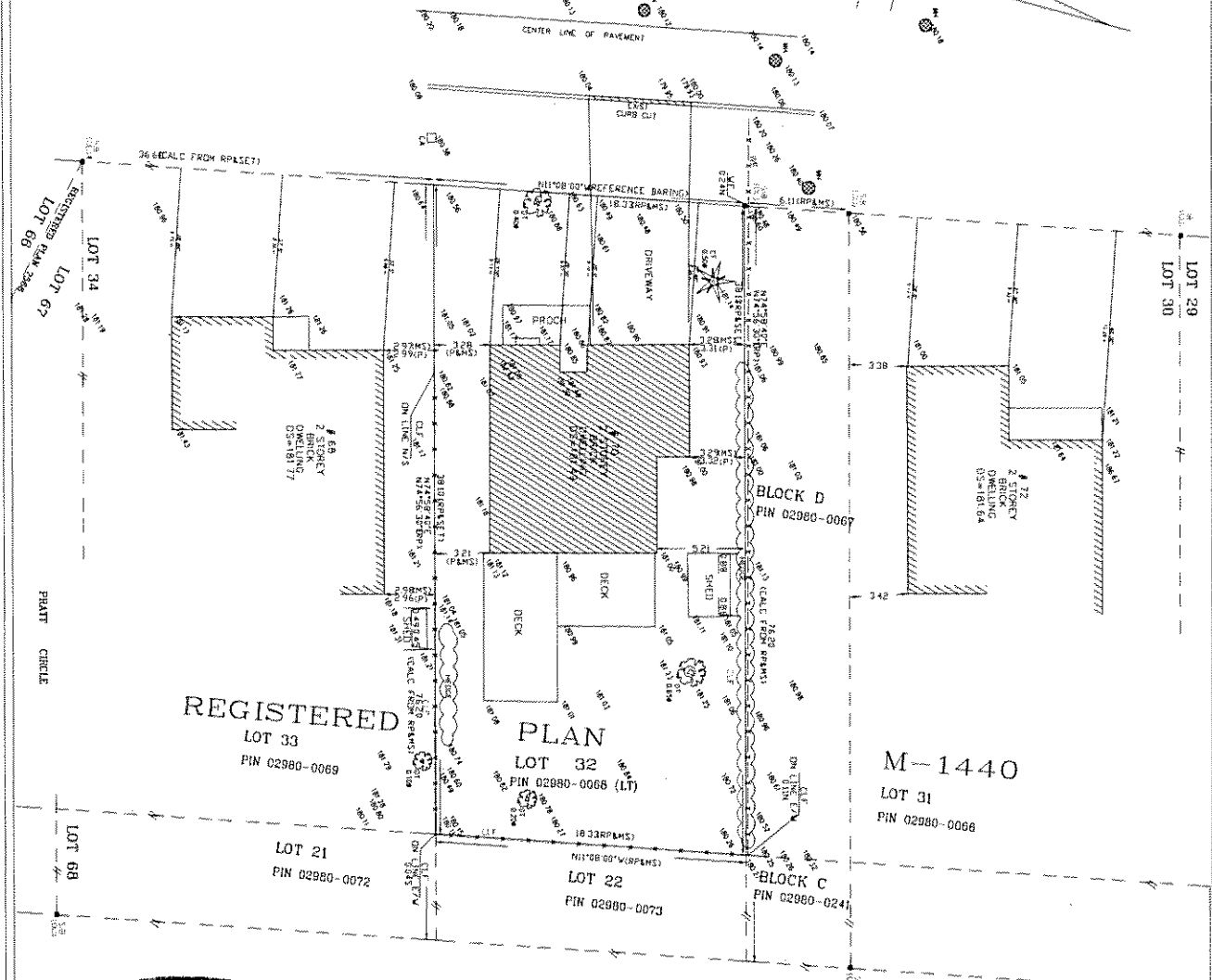
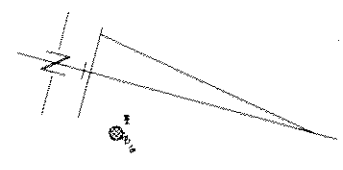
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/19/19**

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 plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on *March 06, 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.

CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

CHANT CRESCENT  
 (BY REGISTERED PLAN M-1440)  
 PIN 02980-0233(LT)



REGISTERED  
 LOT 33  
 PIN 02980-0069

PLAN  
 LOT 32  
 PIN 02980-0066 (LT)

M-1440  
 LOT 31  
 PIN 02980-0066

RECEIVED  
 CITY OF MARKHAM  
 MAR 06 2019  
 COMMITTEE OF ADJUSTMENT

PROJECT NUMBER	10-013	CHECKED BY	A.A.
DRAWN BY	S.A.		

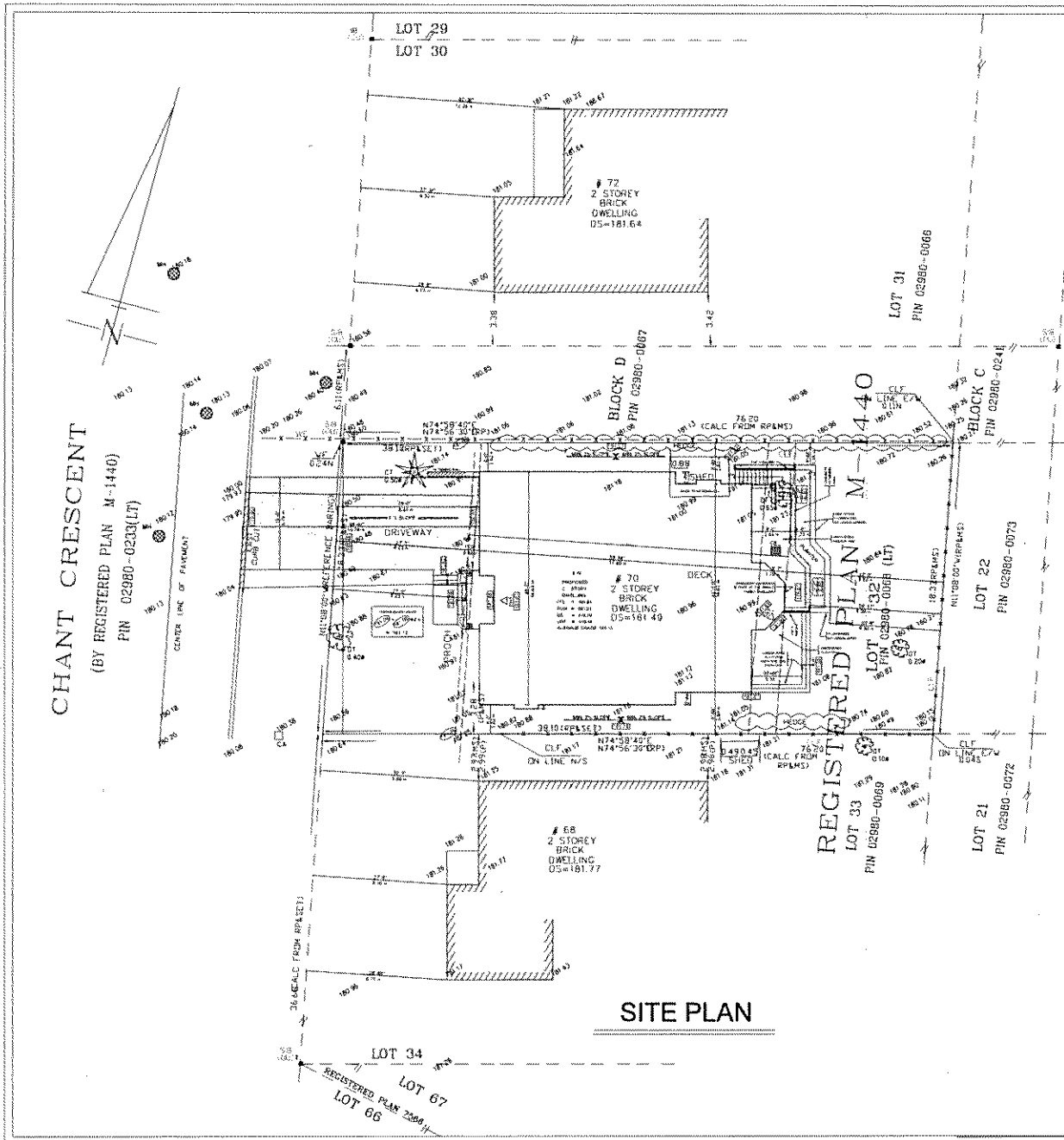
**MITSCHKE & AZIZ INC.**  
 120 NEWBORN ROAD, 2ND FLOOR, RICHMOND HILL, ONT L4C 9S7  
 Tel: (905) 237-8224 Fax: (416) 477-5465  
 Website: www.mitschkeandaziz.com

**PART 2**  
 REPORT PREPARED FOR MARKHAM, AND THE UNDERSIGNED AGENTS DO NOT ASSUME RESPONSIBILITY FOR THE USE OF OTHER MARKERS, BOUNDARIES, DIMENSIONS, PLANS AND TITLES OF RECORDS INDICATED.  
 \* NO ENCUMBRANCES OR RIGHTS OF WAY ARE SHOWN ON THIS PLAN.  
 \* NO INVESTIGATION WITH RESPECT TO MUNICIPAL ZONING BY LAW HAS BEEN MADE FOR THE SUBJECT PROPERTY (PROVIDED).  
 \* ENCUMBRANCES, EASEMENTS, RIGHTS OF WAY, AND OTHER INTERESTS IN THE SUBJECT PROPERTY, IF ANY, ARE SHOWN ON THIS PLAN.  
 \* THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONVEYANCE OF ANY INTEREST IN REAL PROPERTY.  
 \* THIS PLAN IS NOT TO BE USED FOR CONVEYANCE OF ANY INTEREST IN REAL PROPERTY.  
 \* THIS PLAN IS NOT TO BE USED FOR CONVEYANCE OF ANY INTEREST IN REAL PROPERTY.

SCALE = 1 : 200  
**MITSCHKE & AZIZ INC. O.L.S.**  
 ALL DISTANCES SHOWN HEREON ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S REAL PROPERTY REPORT OF  
 PART 1 OF LOT 32  
 REGISTERED PLAN M-1440  
 TOWN OF MARKHAM  
 (REGIONAL MUNICIPALITY OF YORK)

**CHANT CRESCENT**  
(BY REGISTERED PLAN M-1440)  
PIN 02980-0233(LIT)



**SITE PLAN**

PROPOSED

SURVEYOR'S REAL PROPERTY REPORT OF  
PART 1:  
PLAN OF LOT 32  
REGISTERED PLAN M-1440  
TOWN OF MARKHAM  
(REGIONAL MUNICIPALITY OF YORK)



SCALE = 1 : 200

MITSCHE & AZIZ INC. O.L.S.

METRIC DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

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**SURVEYOR'S CERTIFICATE**

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 21st DAY OF OCTOBER, 2018.

DATE: OCTOBER 24, 2018

A. ABDELSHAWKI  
ONTARIO LAND SURVEYOR

<b>MITSCHE &amp; AZIZ INC.</b> ONTARIO LAND SURVEYORS 120 NEWMARK ROAD - #31, RICHMOND HILL, ONT. L4C-9S7 Tel: (905) 237-8224 Fax: (416) 477-5465 Website: M-AZIZSURVEYORS.CO E-Mail: 0218@M-AZIZSURVEYORS.CO	
PROJECT NUMBER 16-415	PROJECT 70 CHANT CRESCENT (TP)
DRAWN BY R.A.	CHECKED BY A.A.

SCALE SCALE = 1 : 200	DESIGNED BY
DATE NOV. 2018	CHECK BY
JOB NO.	DWG. NO. A100

DWG. TITLE:  
**SITE PLAN**  
JOB TITLE:  
**SINGLE FAMILY DWELLING ON  
70 CHANT CRES.**

<b>INTERBUILD LTD</b>	
INTERBUILD LTD. NASER TASHAWI	BCPN # 42412 BCPN # 39209
127 Burbank Dr. Toronto ON M2K 1N6 Fax (416) 218-0072 Tel (416) 218-0071	

REGISTERED	M-1440	
<b>LOT NO.</b>	<b>32</b>	
<b>ZONING</b>		
<b>LAND AREA</b>	696.75 sq. m.	7500.00 sq. ft.
<b>LOT COVERAGE</b>	35.86 %	35.86 %
<b>BUILDING AREA</b>	245.90 sq. m.	2659.98 sq. ft.
<b>FRONT PORCH</b>	5.65 sq. m.	60.92 sq. ft.
<b>GROUND FLOOR AREA</b>	210.46 sq. m.	2265.44 sq. ft.
<b>SECOND FLOOR AREA</b>	245.66 sq. m.	2644.39 sq. ft.
<b>BASEMENT FLOOR AREA</b>	206.22 sq. m.	2219.65 sq. ft.
<b>TOTAL FLOOR AREA</b>	495.56 sq. m.	4864.24 sq. ft.
<b>EXISTING GRADE ELEVATION</b>	M	
<b>PROPOSED GRADE ELEVATION</b>	M	
<b>AREA OF FRONT YARD</b>	162.45 sq. m.	1824.03 sq. ft.
<b>AREA OF DRIVE WAY</b>	84.32 sq. m.	907.71 sq. ft.
<b>AREA OF PORCH &amp; WALK WAY</b>	12.31 sq. m.	132.51 sq. ft.
<b>SOFT LANDSCAPED AREA</b>	72.01 sq. m.	781.61 sq. ft.

**PART 2**  
**REPORT**

\* THIS REPORT WAS PREPARED FOR MAIN HOMES, AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

**BOUNDARIES**

\* LOT 32, REGISTERED PLAN M-1440  
TITLE SEARCH INDICATES  
\* NO EASEMENTS OR RIGHT OF WAYS REGISTERED ON TITLE.

**ZONING**

\* NO INVESTIGATION WITH RESPECT TO MUNICIPAL ZONING BY LAW HAS BEEN MADE FOR THE SUBJECT PROPERTY (PROPERTIES)

**ENCROACHMENTS**

\* PLEASE NOTE THE POSITION OF THE FENCES IN RELATION TO THE NORTHERLY, EASTERLY & SOUTHERLY BOUNDARIES. THEY ARE LOCATED OVER THE SUBJECT BOUNDARIES TO THE EXTENT SHOWN ON THE PLAN

**BEARING NOTE**

\* BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF CHANT CRESCENT HAVING A BEARING OF N110°00'W AS SHOWN ON REGISTERED PLAN M-1440.

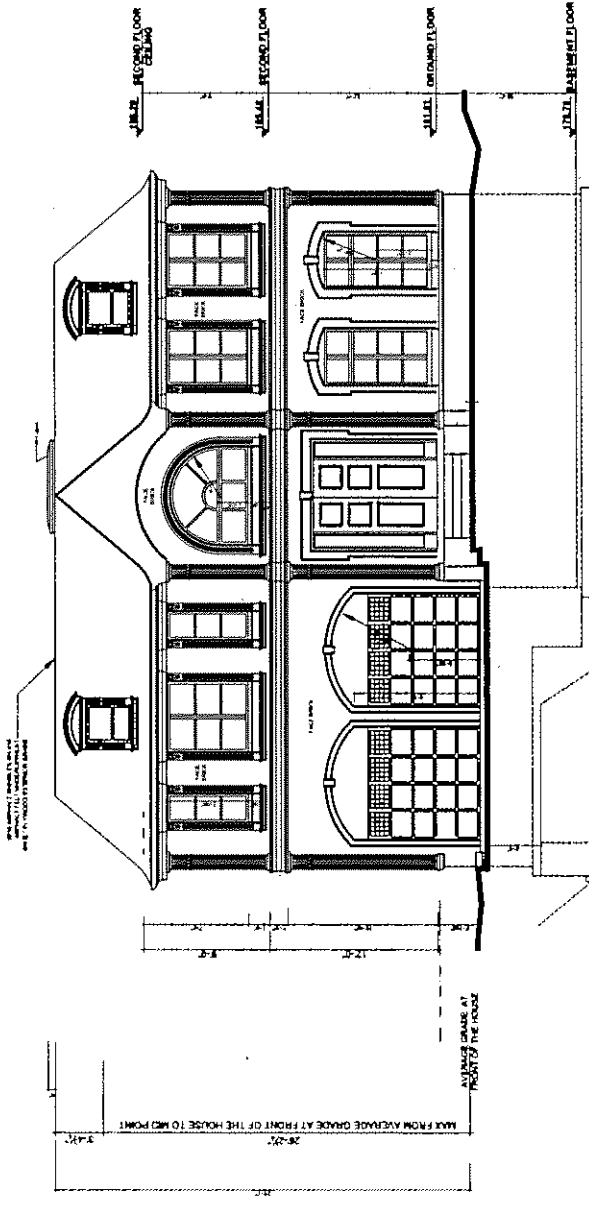
**CELESTIATIC**

\* ELEVATIONS SHOWN HEREON ARE REFERRED TO TOWN OF MARKHAM BENCHMARK # 1468, HAVING AN ELEVATION OF 172.36m.

<b>LEGEND:</b>		
• SURVEY MONUMENT FOUND	CU	FIRE HYDRANT
• SURVEY MONUMENT SET	MC	MANHOLE
• IRON BAR	CA	CABLE CUT
• STANDARD IRON BAR	CU	WOODEN WIPES
• NUTIN, EAST, SOUTH, WEST	CU	OPEN UNKNOWN
• DOUBLE BOARD FENCE	CU	WELDED
• CHAIN LINK FENCE	CU	EVERGREEN TREE
• WIRE LINKS	CU	CONIFER'S TREE
• REGISTERED PLAN 2564	CU	DECIDUOUS TREE TRUNK
• SURVEY BY JOHN WILKINSON O.L.S.	CT	CONIFER'S TREE TRUNK
• DATED JAN., 1982.	CU	WOOD PILE
	CU	HYDRO POLE

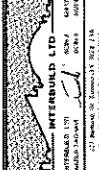
NOT TO SCALE  
 ALL DIMENSIONS TO FACE UNLESS NOTED OTHERWISE  
 ALL FINISHES TO BE AS SHOWN  
 ALL MATERIALS TO BE APPROVED BY THE ARCHITECT

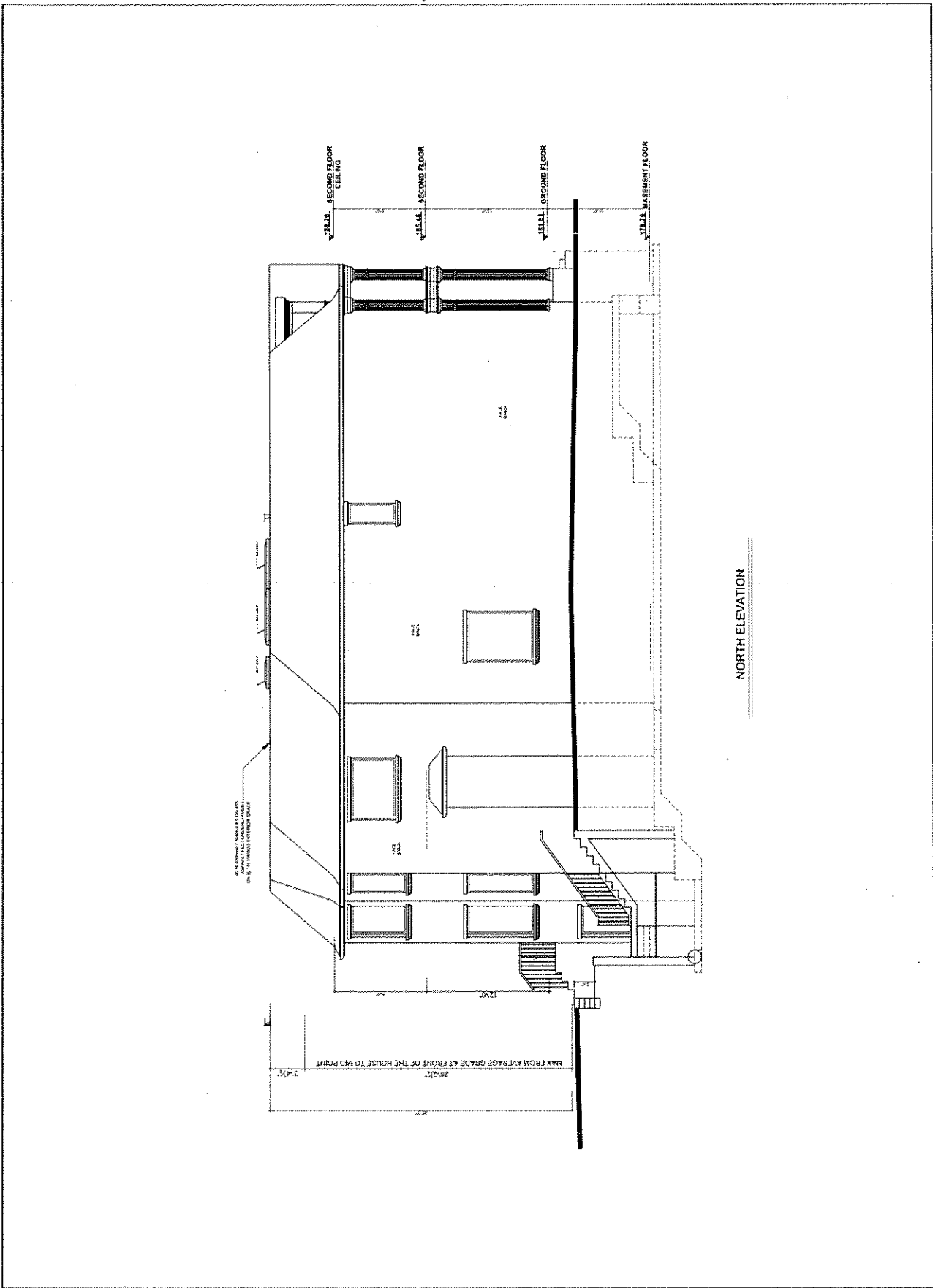
SCALE:	1/4" = 1'-0"
DATE:	10/10/17
PROJECT:	A300
CLIENT:	FRONT ELEVATION
DESIGNER:	SINGLE FAMILY DWELLING CH IN CHANTIERES
ARCHITECT:	INTERMED LTD - 111 1111 1111 1111 1111 1111 1111 1111 1111 1111 1111 1111 1111



FRONT ELEVATION

THIS DRAWING IS THE PROPERTY OF INTERBUILD LTD. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF INTERBUILD LTD.

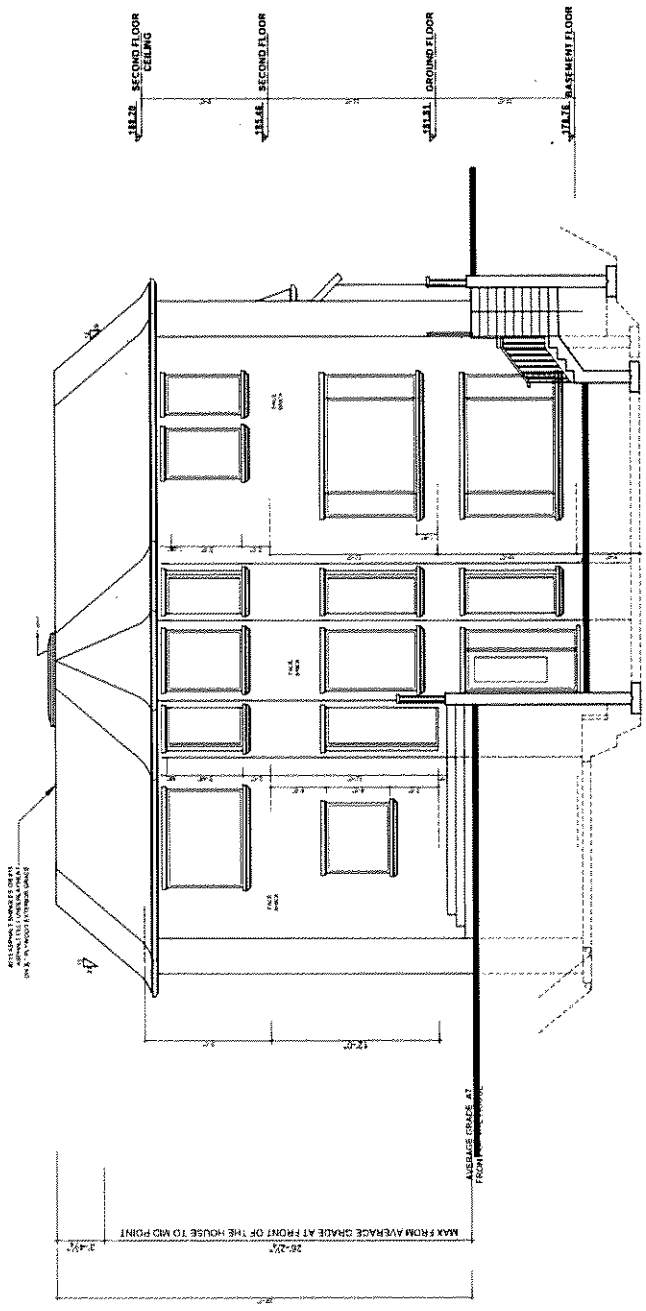
TOTAL	14'4" x 9'0"	DATE	12/12/17
DATE	12/12/17	PROJECT NO.	A201
PROJECT NAME			
BASEMENT FLOOR PLAN			
SINGLE FAMILY DWELLING ON TO CHANT CRES.			
			
INTERBUILD LTD 127 PARKWAY DRIVE, SUITE 101, MISSISSAUGA, ONTARIO L4W 1M5 TEL: (905) 276-1111 FAX: (905) 276-1112 WWW.INTERBUILD.COM			





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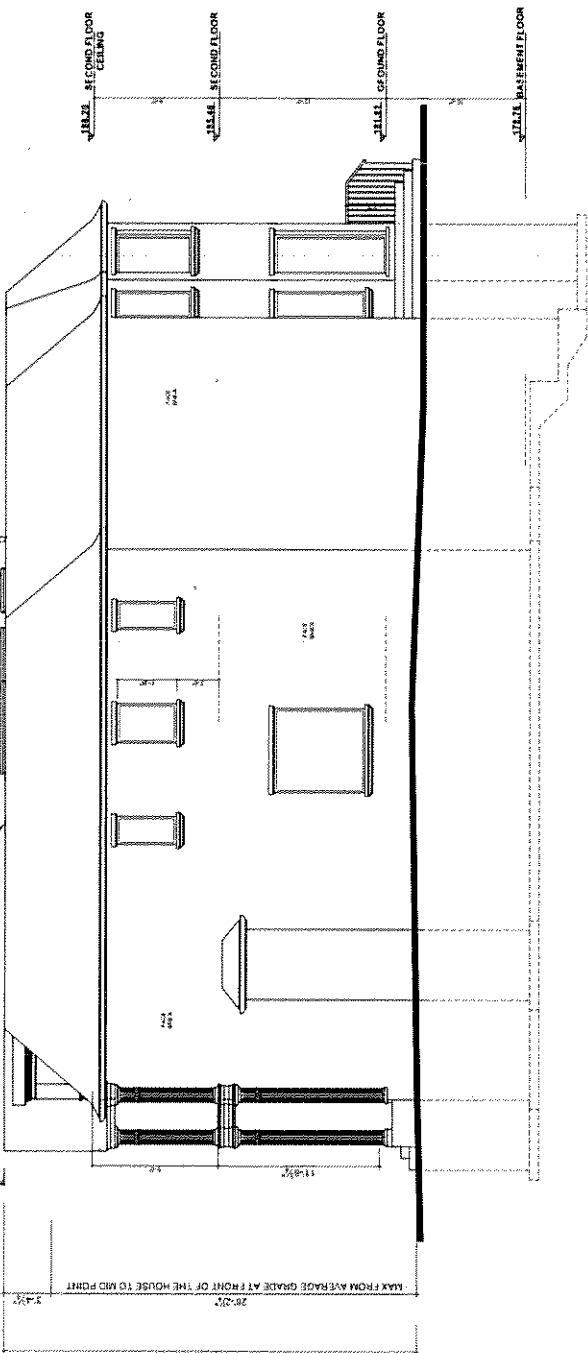
SCALE	1/8" = 1'-0"
DATE	2024.04.01
PROJECT	A202
DESCRIPTION	REAR ELEVATION
CLIENT	SINGLE FAMILY DWELLING ON 70 CHANT CRES.
DESIGNER	INTERBUILD LTD.
ADDRESS	127 SANDY CREEK RD. UNIT 104
CONTACT	TEL: 770.707.8807 FAX: 770.707.8807



REAR ELEVATION

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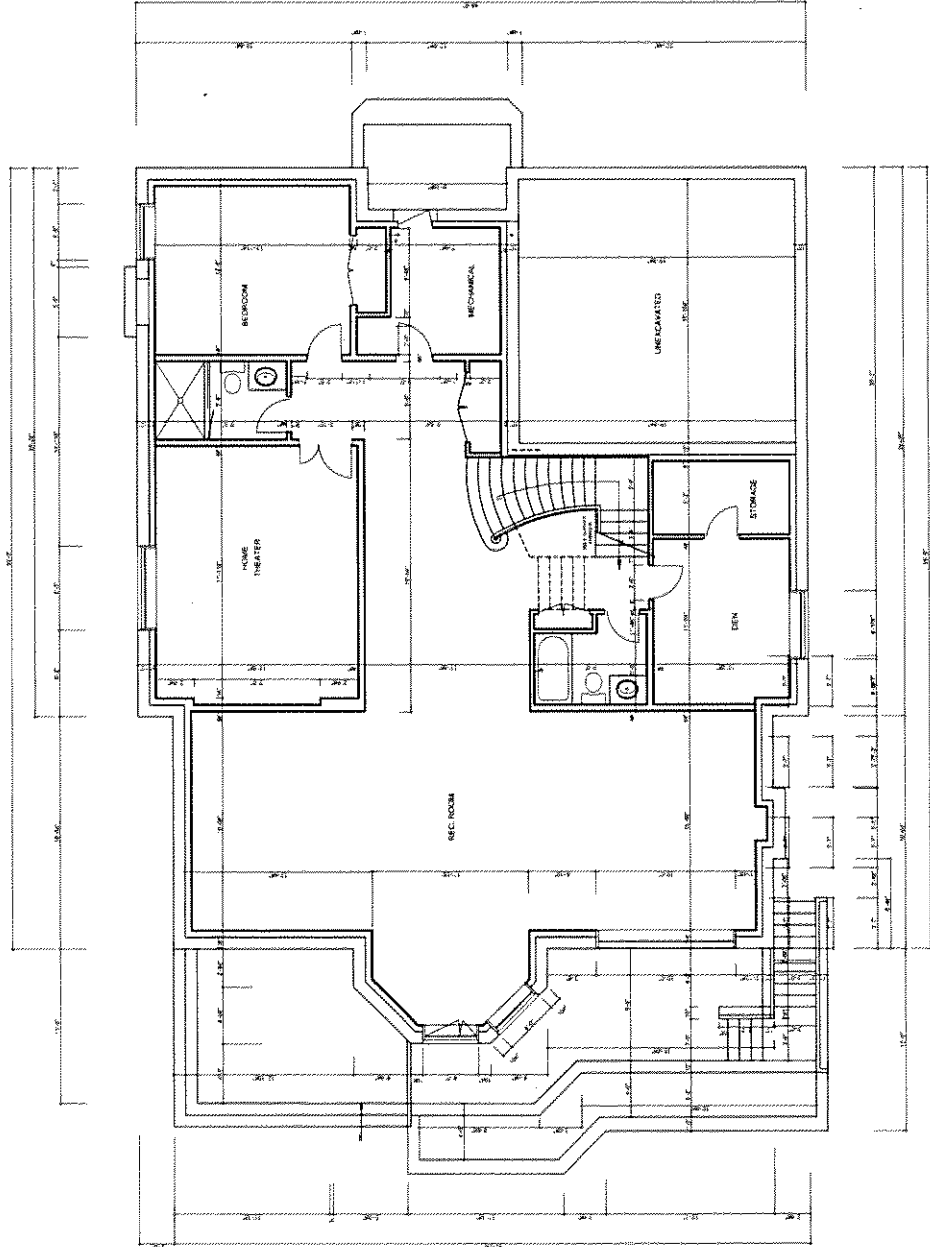
SCALE:	1/8" = 1'-0"
DATE:	20/03/2017
PROJECT NO.:	A203
DRAWN BY:	
CHECKED BY:	
DATE:	
BASEMENT FLOOR PLAN	
200 MILLI SINGLE FAMILY DWELLING ON 1000 SQ FT INTERIUS LTD - INTERIUS LTD - 1000 1000 SQ FT 1000 SQ FT 1000 SQ FT	



SOUTH SIDE ELEVATION

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SCALE	1/4" = 1'-0"
DATE	10/01/07
PROJECT	4300
BASEMENT FLOOR PLAN	
SINGLE FAMILY DWELLING ON 10' x 10' LOT	
INTERBUILD LTD. 1000 W. 10TH AVE. SUITE 1000 DENVER, CO 80202	
ARCHITECT: INTERBUILD LTD. 1000 W. 10TH AVE. SUITE 1000 DENVER, CO 80202	

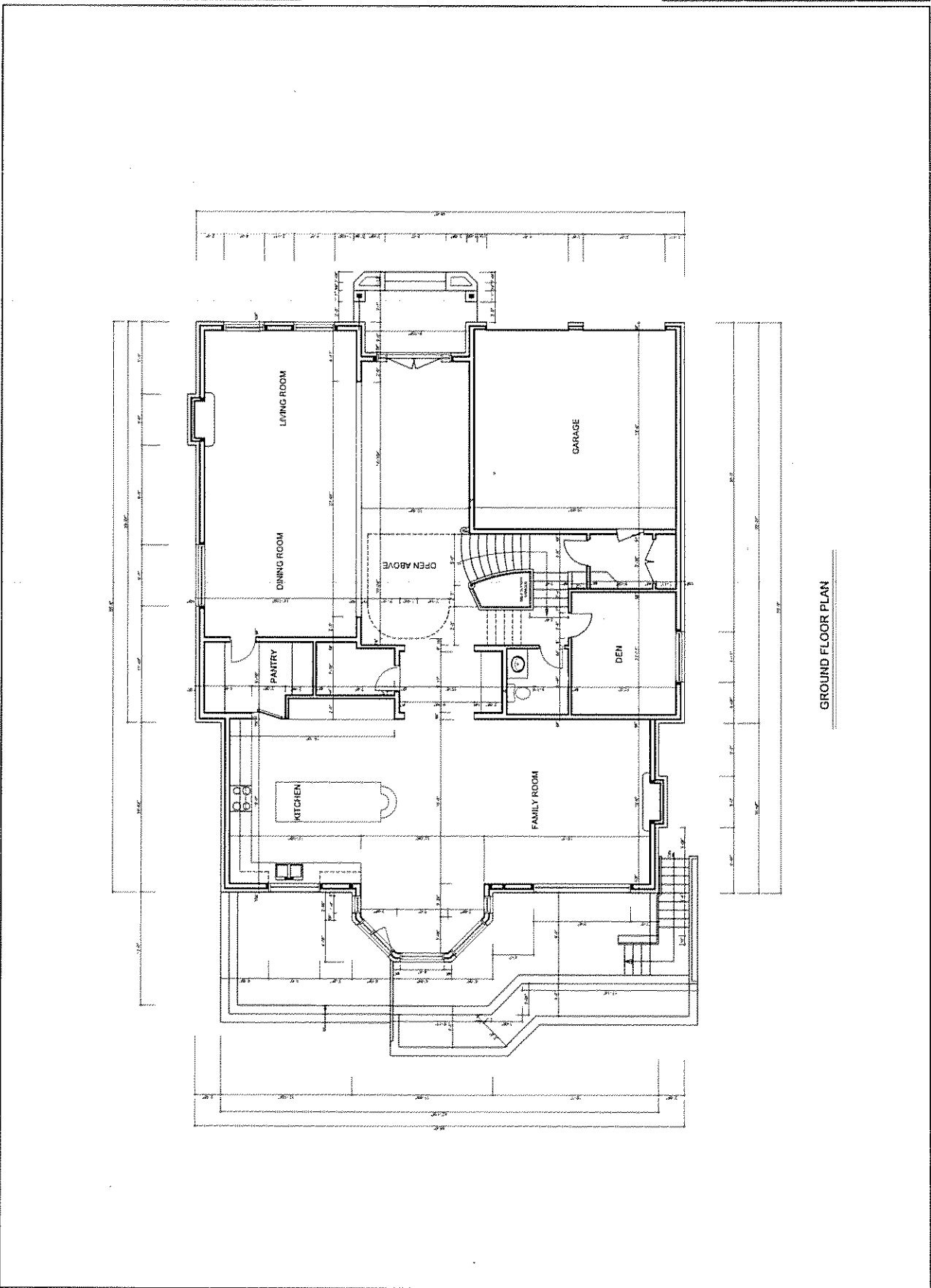
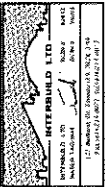


BASEMENT FLOOR PLAN

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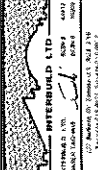
SCALE:	1/4" = 1'-0"	DATE:	10/20/07
PROJECT:	70 CHANT CRES.	DRAWN BY:	A301
TITLE: GROUND FLOOR PLAN SINGLE FAMILY DWELLING ON 70 CHANT CRES.			

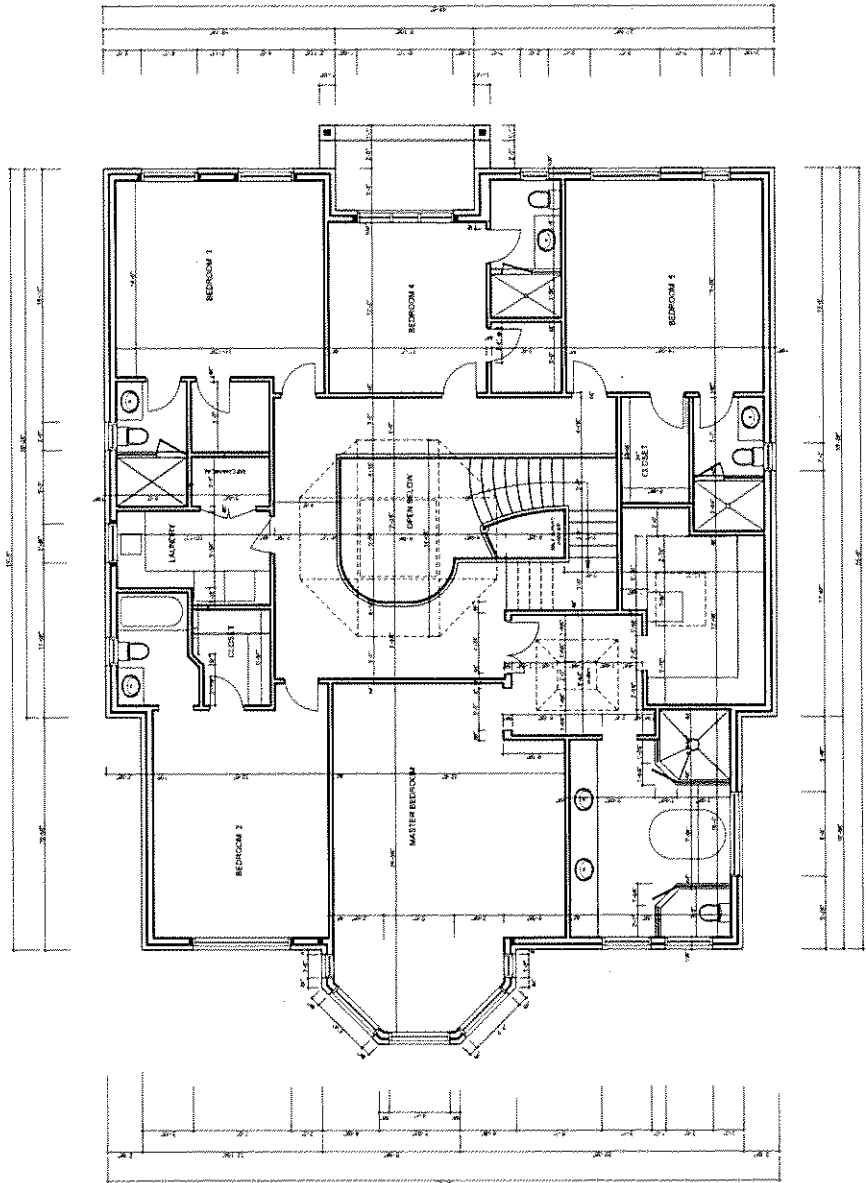
INTERBUILD LTD.  
 125 BROADWAY ST. SUITE 100  
 WILMINGTON, DE 19801  
 TEL: 302.438.1100  
 FAX: 302.438.1101



GROUND FLOOR PLAN

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SCALE:	1/4" = 1'-0"	PROWINGENY:	
DATE:	10/20/2017	PROJECT NO.:	A302
SECOND FLOOR PLAN			
MICHELE FAMILY DWELLING ON BURNHART CRES.			
			
INTERBUILD LTD. 4500 WEST 12TH AVENUE SUITE 100 DENVER, CO 80202 TEL: (303) 733-1100 FAX: (303) 733-1101			


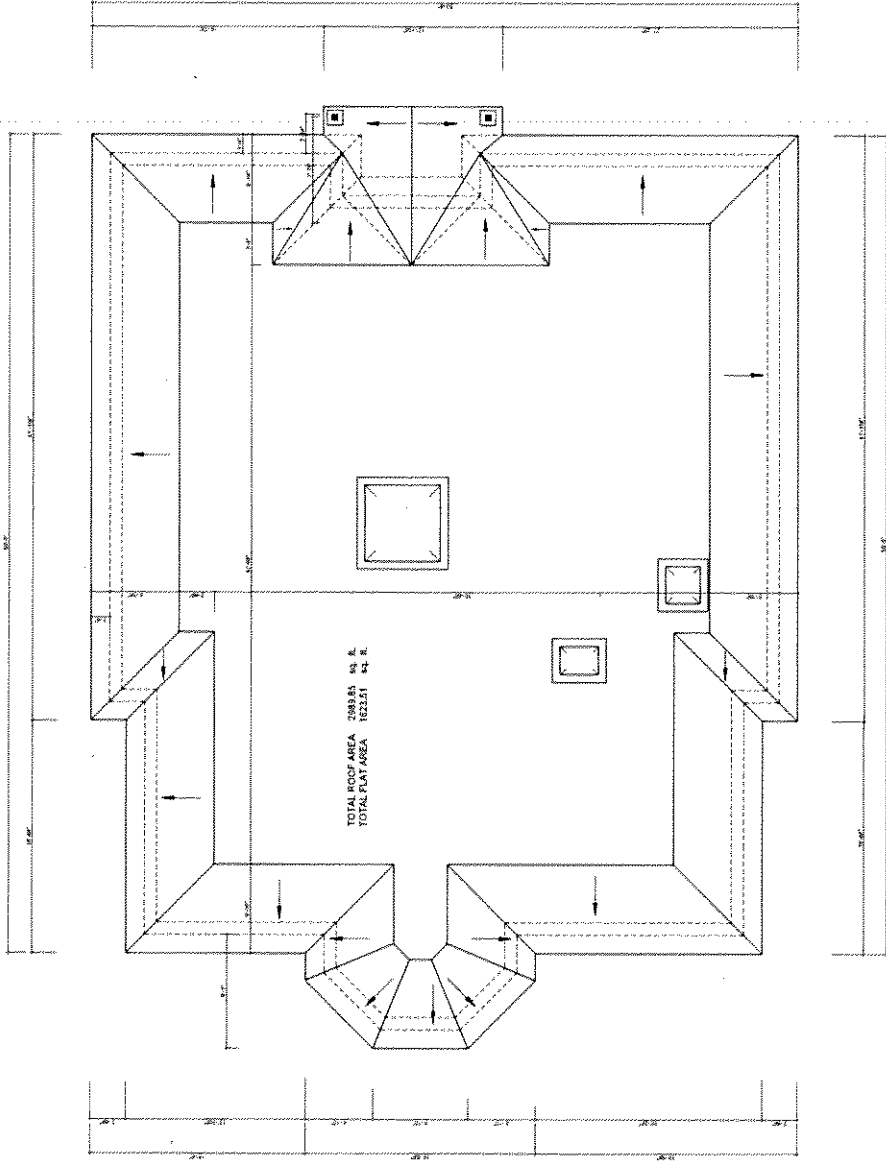


SECOND FLOOR PLAN

ALL RIGHTS RESERVED  
 INTERBUILD LTD. 1000 SHEPPARD AV. E. UNIT 10  
 SCARBOROUGH, ONT. M1S 1T7  
 TEL: (416) 291-1111  
 FAX: (416) 291-1112  
 WWW.INTERBUILD.COM

SCALE	1/8" = 1'-0"
DATE	10/20/04
PROJECT	700 CHANTERES
NO.	A303
REV.	
TITLE: ROOF PLAN PROJECT: SINGLE FAMILY DWELLING ON 700 CHANTERES	

INTERBUILD LTD. 1000 SHEPPARD AV. E. UNIT 10  
 SCARBOROUGH, ONT. M1S 1T7  
 TEL: (416) 291-1111  
 FAX: (416) 291-1112  
 WWW.INTERBUILD.COM

ROOF PLAN