

Memorandum to the City of Markham Committee of Adjustment

March 11, 2019

File: A/21/19
Address: 14 Worsley Crt, Markham
Applicant: Xiao Huang
Agent: Battaglia Architect Inc (Joe Battaglia)
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, R4, as amended:

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

a maximum height of 26 ft 6 in, whereas the By-law permits a maximum height of 25 ft; as it relates to a proposed new single family dwelling.

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, "*owner wants higher ceilings and also to accommodate ductwork in attic. There is no secondary dwelling unit the second kitchen is for Chinese kitchen requirements*".

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on January 24, 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 7.62 m (25 ft), whereas the By-law permits a maximum building height of 8.08 m (26.5 ft). This represents an increase of 0.46 m (1.5 ft).

The proposed dwelling will replace the existing one-storey detached dwelling. 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. While the height of the proposed dwelling will be larger than the existing homes originally developed in the 1960s, it is similar in scale to other infill residential developments in the Varley Village neighbourhood. Excluding height, the proposed dwelling will maintain all other zoning provisions. Staff are of the opinion that the variance for maximum building height is minor in nature and have no objection.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 11, 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 and have no objection. 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:




Richard Kendall, Development Manager, Central District
File Path: Amanda\File\ 19 114493 \Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/21/19

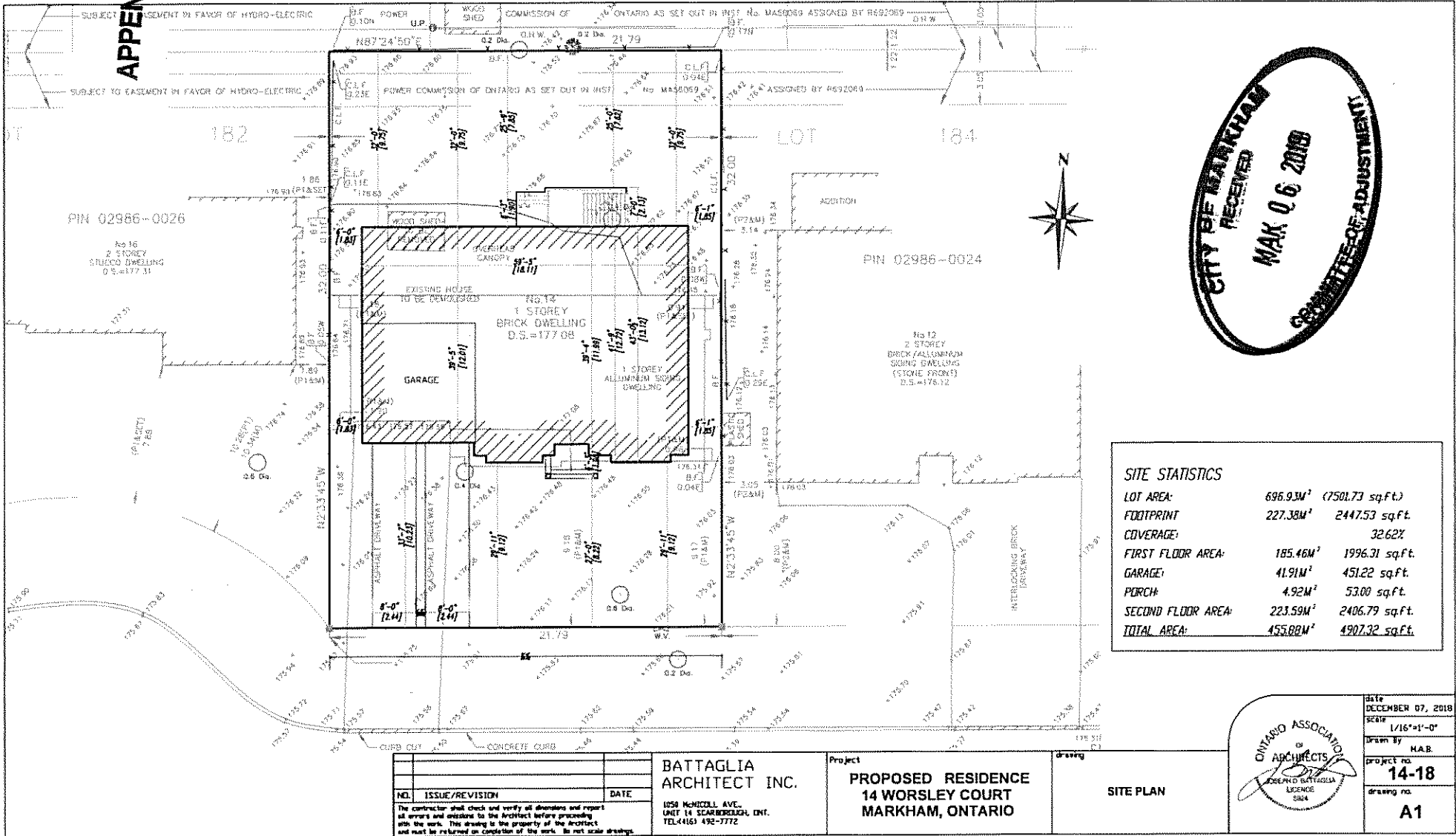
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on *March 06, 2019*, and that the Secretary-Treasurer 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

APPENDIX B



SITE STATISTICS	
LOT AREA:	696.93M ² (7501.73 sq.ft.)
FOOTPRINT	227.38M ² 2447.53 sq.ft.
COVERAGE:	32.62%
FIRST FLOOR AREA:	185.46M ² 1996.31 sq.ft.
GARAGE:	41.91M ² 451.22 sq.ft.
PERCH:	4.92M ² 53.00 sq.ft.
SECOND FLOOR AREA:	223.59M ² 2406.79 sq.ft.
TOTAL AREA:	455.08M ² 4907.32 sq.ft.

NO.	ISSUE/REVISION	DATE

The contractor shall check and verify all dimensions and report all errors and omissions to the Architect before proceeding with the work. This drawing is the property of the architect and must be returned on completion of the work. Do not scale drawings.

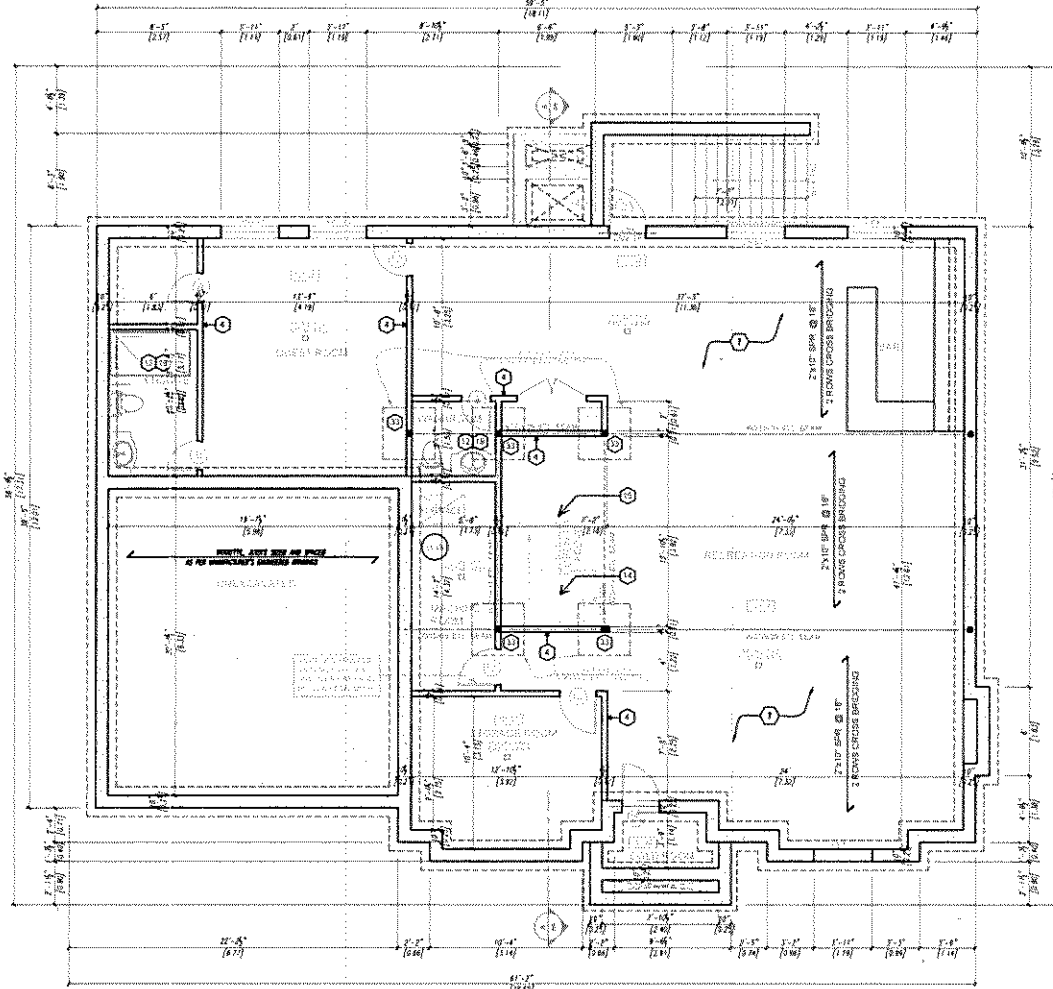
BATTAGLIA ARCHITECT INC.
 1050 MCCOLL AVE.
 UNIT 14 SCARBOROUGH, ONT.
 TEL: (416) 492-7772

Project
PROPOSED RESIDENCE
14 WORSLEY COURT
MARKHAM, ONTARIO

drawing
SITE PLAN



Date
 DECEMBER 07, 2018
 Scale
 1/16" = 1'-0"
 Drawn By
 H.A.B.
 Project No.
14-18
 Drawing No.
A1



BASEMENT FLOOR

NO	ISSUE/REVISION	DATE

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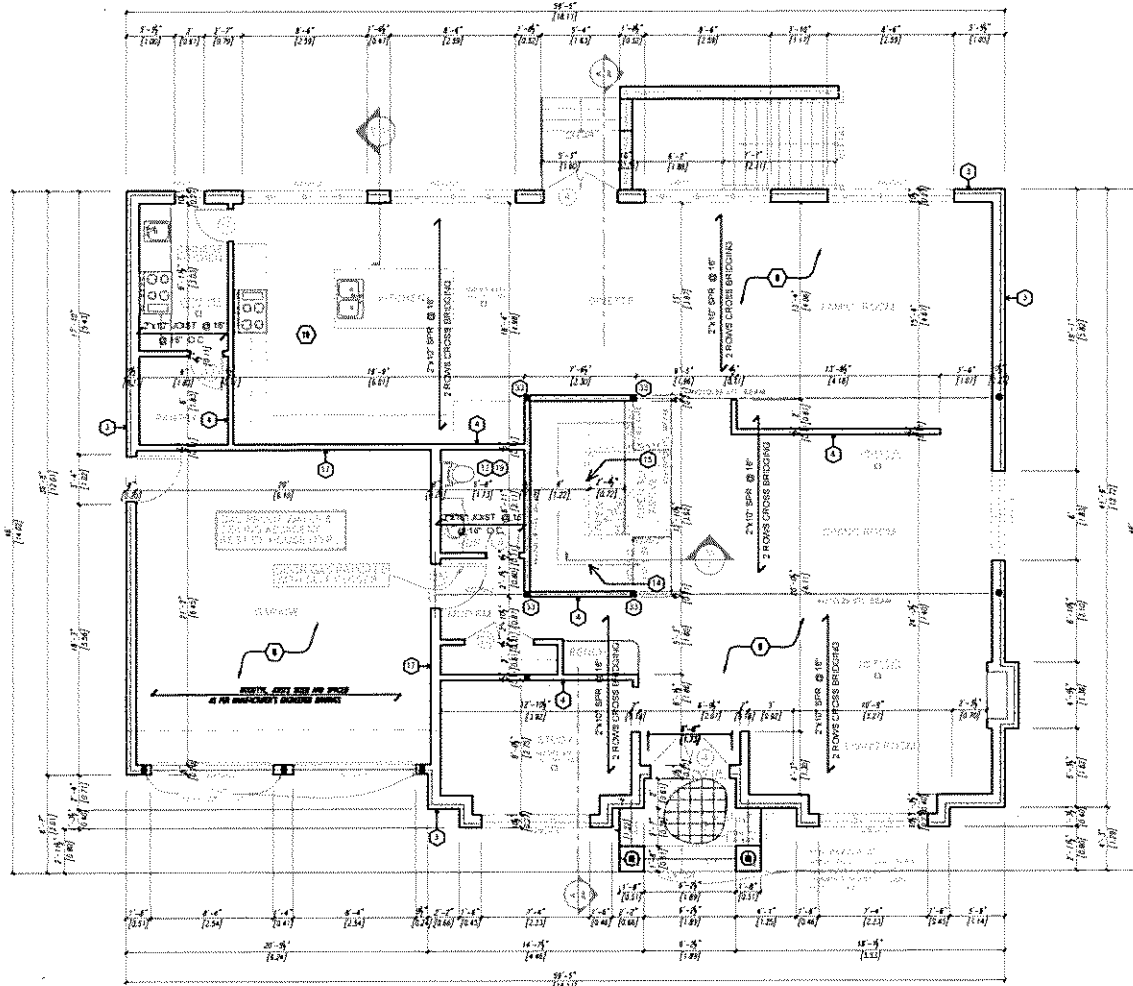
BATTAGLIA ARCHITECT INC.
 1550 MCNICOLL AVE.
 UNIT 14 SCARBOROUGH, ONT.
 TEL: (416) 492-7772

Project: **PROPOSED RESIDENCE
 14 WORSLEY COURT
 MARKHAM, ONTARIO**

Drawing: **BASEMENT FLOOR**



DATE	DECEMBER 07, 2018
SCALE	1/8"=1'-0"
DRAWN BY	M.A.B.
PROJECT NO.	14-18
DRAWING NO.	A2



GROUND FLOOR

NO.	ISSUE/REVISION	DATE

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**BATTAGLIA
ARCHITECT INC.**

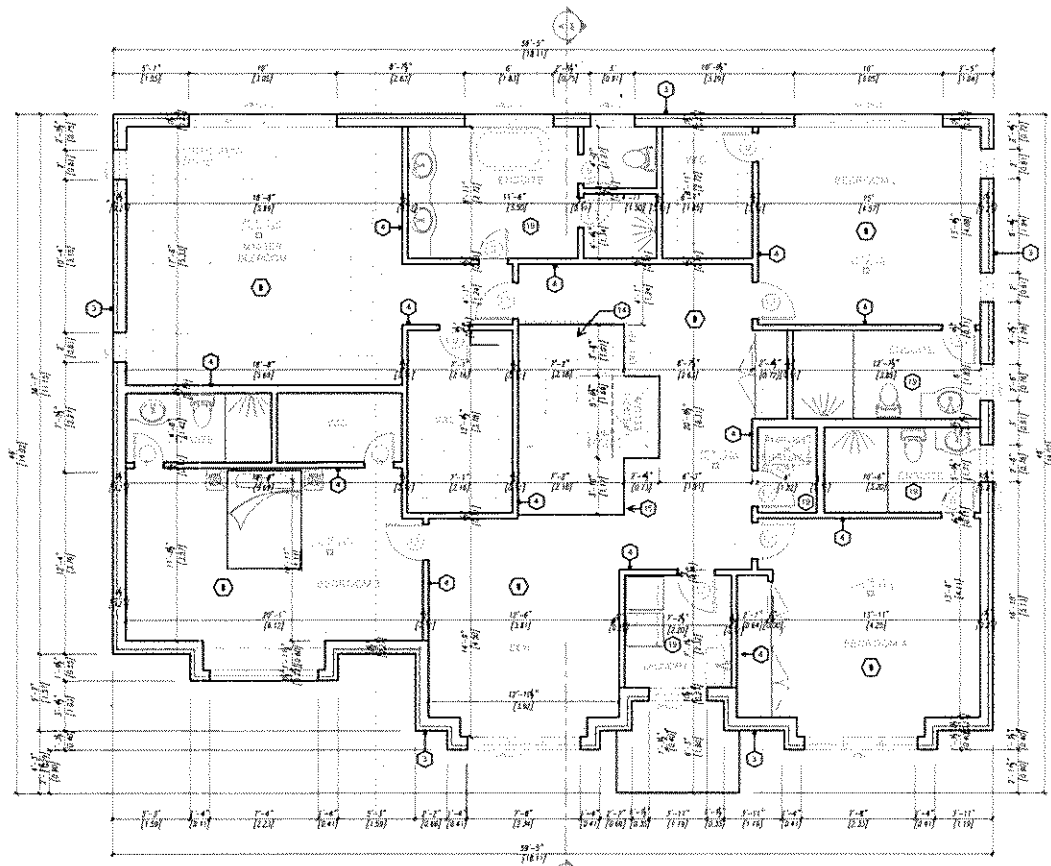
1055 MANICOLL AVE.
UNIT 14 SCARBOROUGH, ONT.
TEL: (416) 492-7772

Project
**PROPOSED RESIDENCE
14 WORSLEY COURT
MARKHAM, ONTARIO**

Drawing
GROUND FLOOR



DATE	DECEMBER 07, 2018
SCALE	1/8"=1'-0"
DRAWN BY	M.A.B.
PROJECT NO.	14-18
DRAWING NO.	A3



SECOND FLOOR

NO.	ISSUE/REVISION	DATE

The contractor shall check and verify all dimensions and report all errors and omissions to the Architect before proceeding with the work. This drawing is the property of the Architect and shall be returned on completion of the work. Do not make drawings.

BATTAGLIA ARCHITECT INC.
 1050 BARKCOLL AVE.
 UNIT 14 SCARBOROUGH ONT.
 TEL: (416) 482-7772

Project
**PROPOSED RESIDENCE
 14 WORSLEY COURT
 MARKHAM, ONTARIO**

Drawing
SECOND FLOOR



DATE	DECEMBER 07, 2018
SCALE	1/8" = 1'-0"
DRAWN BY	M.A.B.
PROJECT NO.	14-18
DRAWING NO.	A4



FRONT (SOUTH) ELEVATION

NO	ISSUE/REVISION	DATE

The contractor shall check and verify all dimensions and report all errors and omissions to the Architect before proceeding with the work. This drawing is the property of the Architect and shall be retained as completion of the work. Do not make drawings.

**BATTAGLIA
ARCHITECT INC.**

1050 McNICOLL AVE.
UNIT 14 SCARBOROUGH, ONT.
TEL: (416) 493-7772

Project

**PROPOSED RESIDENCE
14 WORSLEY COURT
MARKHAM, ONTARIO**

Drawing

FRONT (SOUTH) ELEVATION



DATE	DECEMBER 07, 2018
SCALE	1/8"=1'-0"
CREATED BY	M.A.R.
PROJECT NO.	14-18
DRAWING NO.	A6



REAR (NORTH) ELEVATION

NO	ISSUE/REVISION	DATE

The contractor shall check and verify all dimensions and report all errors and omissions to the Architect before proceeding with the work. This drawing is the property of the Architect and shall be returned on completion of the work. Use not scale drawings.

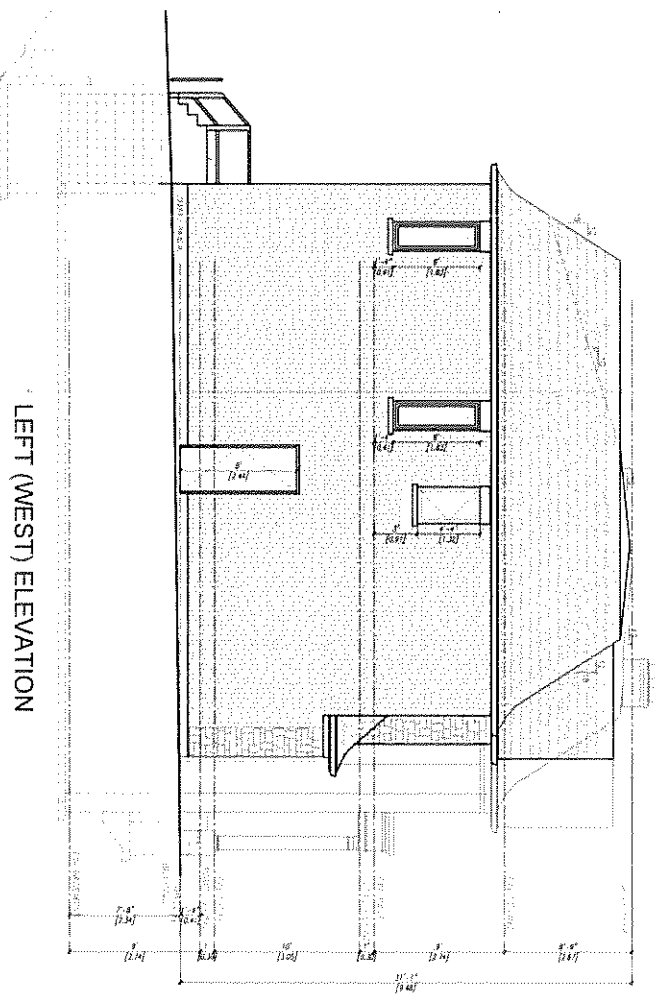
BATTAGLIA ARCHITECT INC.
 1055 MCNEILL AVE.
 UNIT 14 SCARBOROUGH, ONT.
 TEL (416) 432-7773

Project
**PROPOSED RESIDENCE
 14 WORSLEY COURT
 MARKHAM, ONTARIO**

Drawing
REAR (NORTH) ELEVATION



DATE	DECEMBER 07, 2018
SCALE	1/8" = 1'-0"
DRAWN BY	M.A.B.
PROJECT NO.	14-18
DRAWING NO.	A7



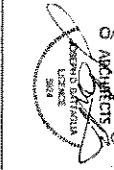
LEFT (WEST) ELEVATION

DATE: 12/18/18
 DRAWN BY: M.A.B.
 CHECKED BY: M.A.B.
 PROJECT NO: 14-18

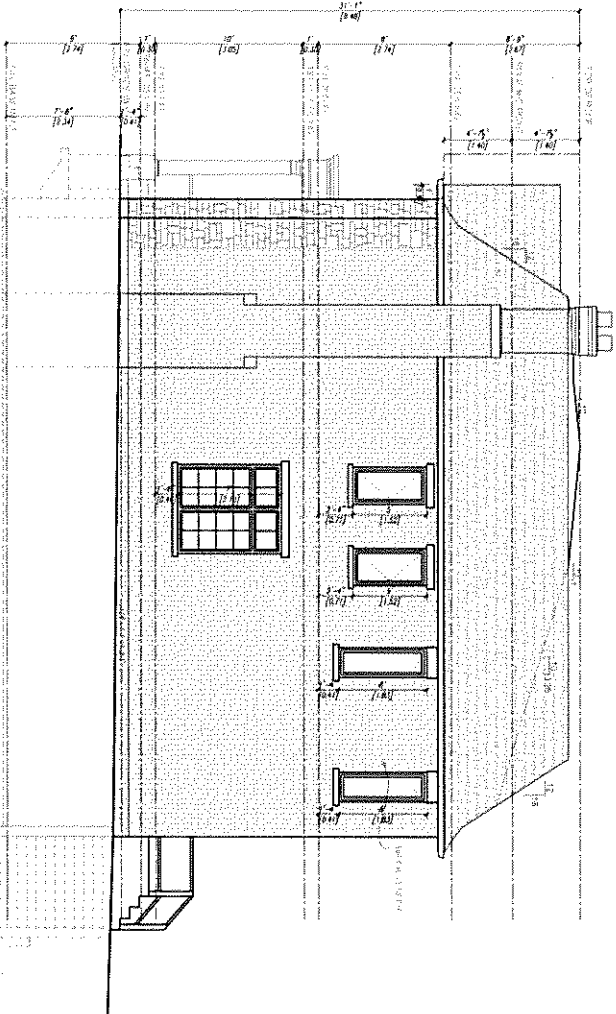
NO.	ISSUE/REVISION	DATE

BATTAGLIA ARCHITECT INC.
 103 WOODSIDE AVE.
 TORONTO, ONTARIO M4W 1K7
 TEL: (416) 463-2276

Project
PROPOSED RESIDENCE
14 WORSLEY COURT
MARKHAM, ONTARIO



Scale: 1/8" = 1'-0"
 Date: DECEMBER 01 2018
 Project No: 14-18
 Drawing No: A8



RIGHT (EAST) ELEVATION

PLANET EST. / Rev. / 1.2.18 H.H.
 WALL AREA = 6677 sq. ft. / 623.99 sq. m.
 GROUND AREA = 627 sq. ft. / 57.96 sq. m.
 2 OF 2 (DIMENSIONS ACCORDING TO PLAN)
 12/18/2018

NO	ISSUE/REVISION	DATE

BATTAGLIA ARCHITECT INC.
 450 WATSON AVE.
 UNIT 100
 MARKHAM, ONT.
 TEL: 416-481-7772

PROPOSED RESIDENCE
14 WORSLEY COURT
MARKHAM, ONTARIO

RIGHT (EAST) ELEVATION



ISSUED BY: M.A.B.
 PROJECT NO: 14-18
 DRAWING NO: A9
 DATE: DECEMBER 07 2018
 SCALE: 1/8"=1'-0"

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