

# Memorandum to the City of Markham Committee of Adjustment

May 18, 2018

**File:** A/33/18  
**Address:** 23 Hagerman Blvd Markham  
**Applicant:** Qing Wen Huang & Jing Qi Yu  
**Agent:** Taes Architects Inc. (Shenshu Zhang)  
**Hearing Date:** Wednesday May 30, 2018

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, as amended:

- a) **Schedule B:**  
a minimum front yard setback of 21'-10" (6.65 m), whereas the By-law requires a minimum front yard setback of 27'-0" (8.23 m);
- b) **Schedule B:**  
a maximum building height of 26'-7" (8.1 m), whereas the By-law permits a maximum building height of 25' (7.62 m);

as they relate to a proposed residential dwelling.

## BACKGROUND

### Property Description

The 593.96 m<sup>2</sup> (6393.33 ft<sup>2</sup>) subject property is located on the south side of Hagerman Boulevard south of 16<sup>th</sup> avenue. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing two-storey detached 263 m<sup>2</sup> (2831 ft<sup>2</sup>) dwelling on the property, which according to assessment records was constructed in 1973. Mature vegetation exists across the rear of the property.

### Proposal

The applicant is proposing to demolish the existing home and construct a 400.79 m<sup>2</sup> (4314.05 ft<sup>2</sup>) two-storey detached dwelling (See Appendix B).

### 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. In considering applications for development approval in a 'Residential Low Rise' area, which includes variances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development 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 11-72

The subject property is zoned R4 'Fourth 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 front yard setback and building height.

### **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 because, *"it is intended to have a higher roof"*.

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

A Zoning Preliminary Review (ZPR) has been undertaken for the proposal. However, it is still the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the 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 26'-7" (8.1 m), whereas the By-law permits a maximum building height of 25' (7.62 m). This represents an increase of approximately 1'-7" (0.48 m). While the height of the proposed dwelling is larger than the existing neighbouring homes, the distance between properties provides adequate separation. The proposed dwelling maintains more than the 6' side yard setback to the property on its east and west side, and meets all other zoning provisions excluding front yard setback. Staff are of the opinion that the variance request is appropriate for the lot.

### **Reduction in Front Yard Setback**

The applicant is requesting relief to permit a minimum front yard setback of 27' (8.23 m), whereas the By-law requires a minimum front yard setback of 21'-10" (6.65 m). This represents a reduction of approximately 5'-2" (1.58 m). The variance is in part attributed to the front covered porch which only occupies 8'-8" (2.64 m) of the front façade width and projects approximately 6'-1/2" (1.84 m) into the front yard. The main front wall of the building provides a front yard setback of 27' (8.23 m) and is generally consistent with the established front yard setback pattern to the property to its east, as well as the setback of the original dwelling.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of May 18, 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 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\ 18 226261 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/33/18**

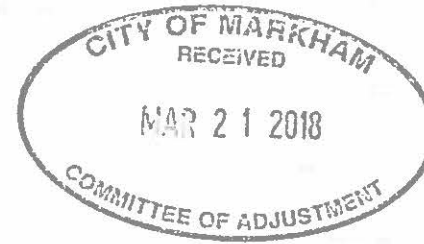
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and dated *March 21 2018* and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. 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;

CONDITIONS PREPARED BY:



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

**RESIDENCE**  
**23 HAGERMAN BLVD.**  
**MARKHAM, ON**



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1	Design Review	2017-12-22	EW
2	Grading Plan Application	2018-02-02	DS
3	Variance Application	2018-03-21	DS

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**Residence**  
**New Construction**  
 23 Hagerman Blvd.  
 Markham, ON

Project number	T2017081
Drawn	Scale
Checked	Date 2018-03-21

Cover Page

Drawing No. **A000**

TOPOGRAPHIC SURVEY OF  
 LOT 239  
 REGISTERED PLAN M-1441  
 CITY OF MARKHAM  
 (REGIONAL MUNICIPALITY OF YORK)  
 SCALE 1 : 200

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METRIC

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

ELEVATION NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED  
 TO THE CITY OF MARKHAM BENCHMARK No.88-167  
 HAVING AN ELEVATION OF 208.55 METRES.  
 MARKHAM PUMPING STATION AT NORTHEAST CORNER OF INTERSECTION OF  
 MCCORMACK ROAD AND 18th AVENUE. TABLE SET IN SOUTHWEST CORNER  
 OF CONCRETE BUILDING, 11 CENTIMETERS NORTH OF SOUTHWEST CORNER  
 AND 10 CENTIMETERS ABOVE GROUND LEVEL.

LEGEND

MH	•	MANHOLE
GM	•	GAS METER
RWS	•	STONE RETAINING WALL
OS	•	DOOR SILL
CR	•	CENTERLINE
HM	•	HYDRO METER
PM	•	PROPERTY IDENTIFIER NUMBER
Ø	•	DIAMETER
○	•	DECIDUOUS TREE
☆	•	CONIFEROUS TREE
▲	•	BUSH
TBOX	•	TELEPHONE BOX
SW	•	INTERLOCKING SIDEWALK
BF	•	BOARD FENCE

SURVEYOR'S CERTIFICATE

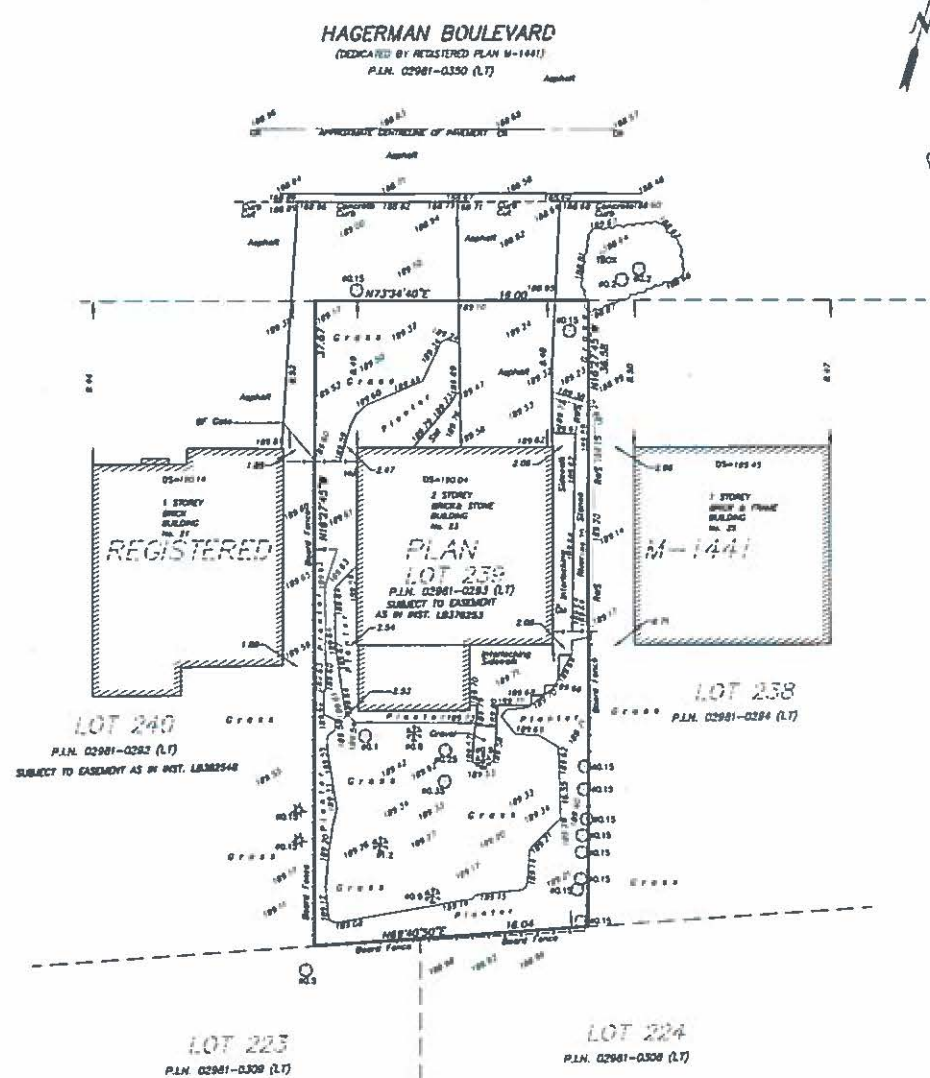
I CERTIFY THAT:  
 THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN  
 WERE COMPLETED ON THE 30TH DAY OF JUNE, 2017.

JULY 3, 2017  
 DATE

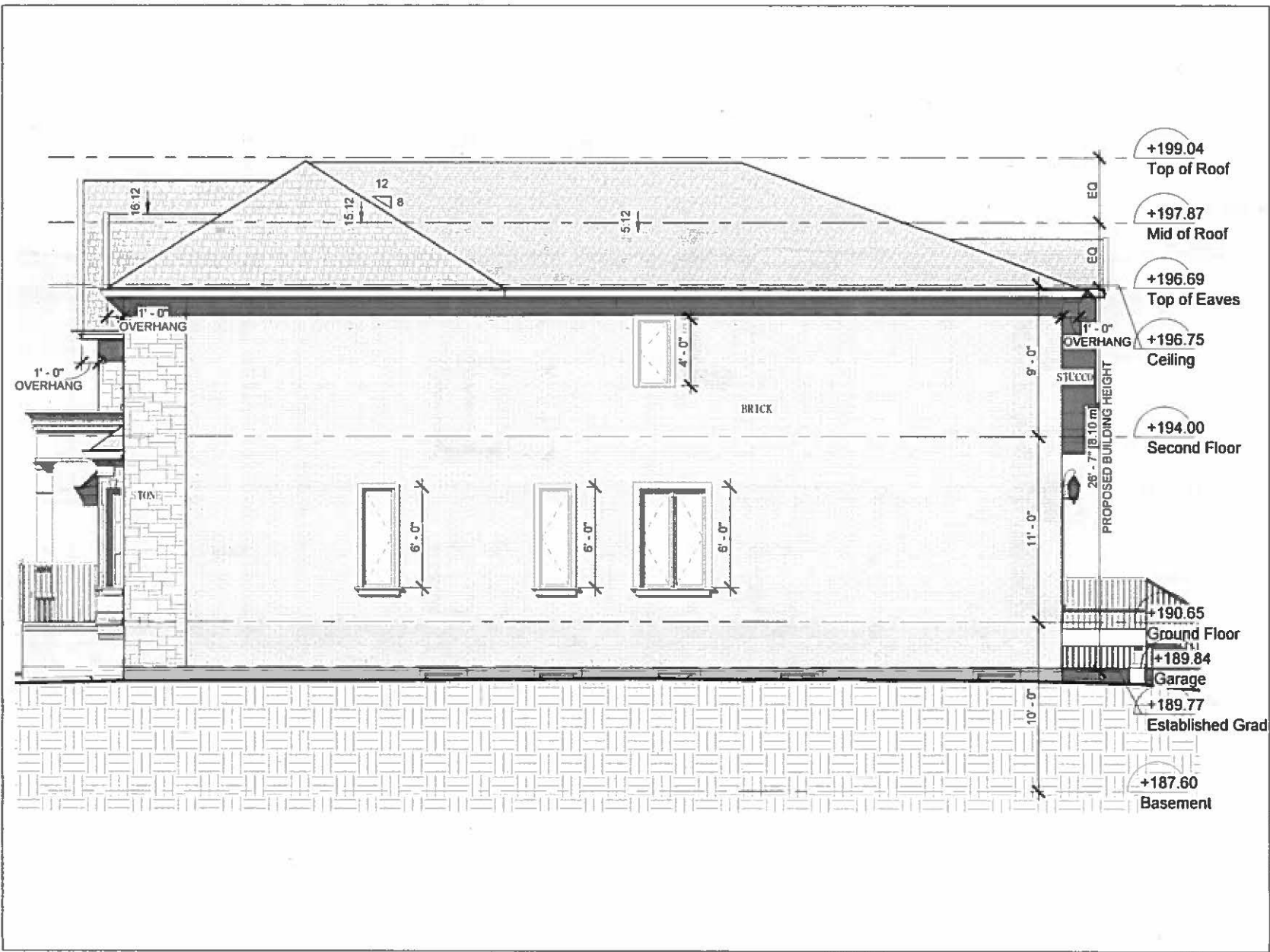
*Alex Marton*  
 ALEX MARTON  
 ONTARIO LAND SURVEYOR

 <b>ALEX MARTON LIMITED</b> ONTARIO LAND SURVEYORS 180 APPLEWOOD CRESCENT, UNIT 8, CONCORD, ONTARIO, L4K 4H2 PHONE: 905-879-9000 FAX: 905-879-0770 E-MAIL: alex@alexmarton.com WEBSITE: www.alexmarton.com	
PARTY CHIEF: F.V.W.	FILE NAME: 2017-133.DWG
DRAWN: I.A.	PLOT SCALE: 1:200
CHECKED: A.M.	PROJECT No. 2017-133

**CAUTION**  
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE  
 USED FOR MORTGAGE OR TRANSACTION PURPOSES.



APPENDIX B



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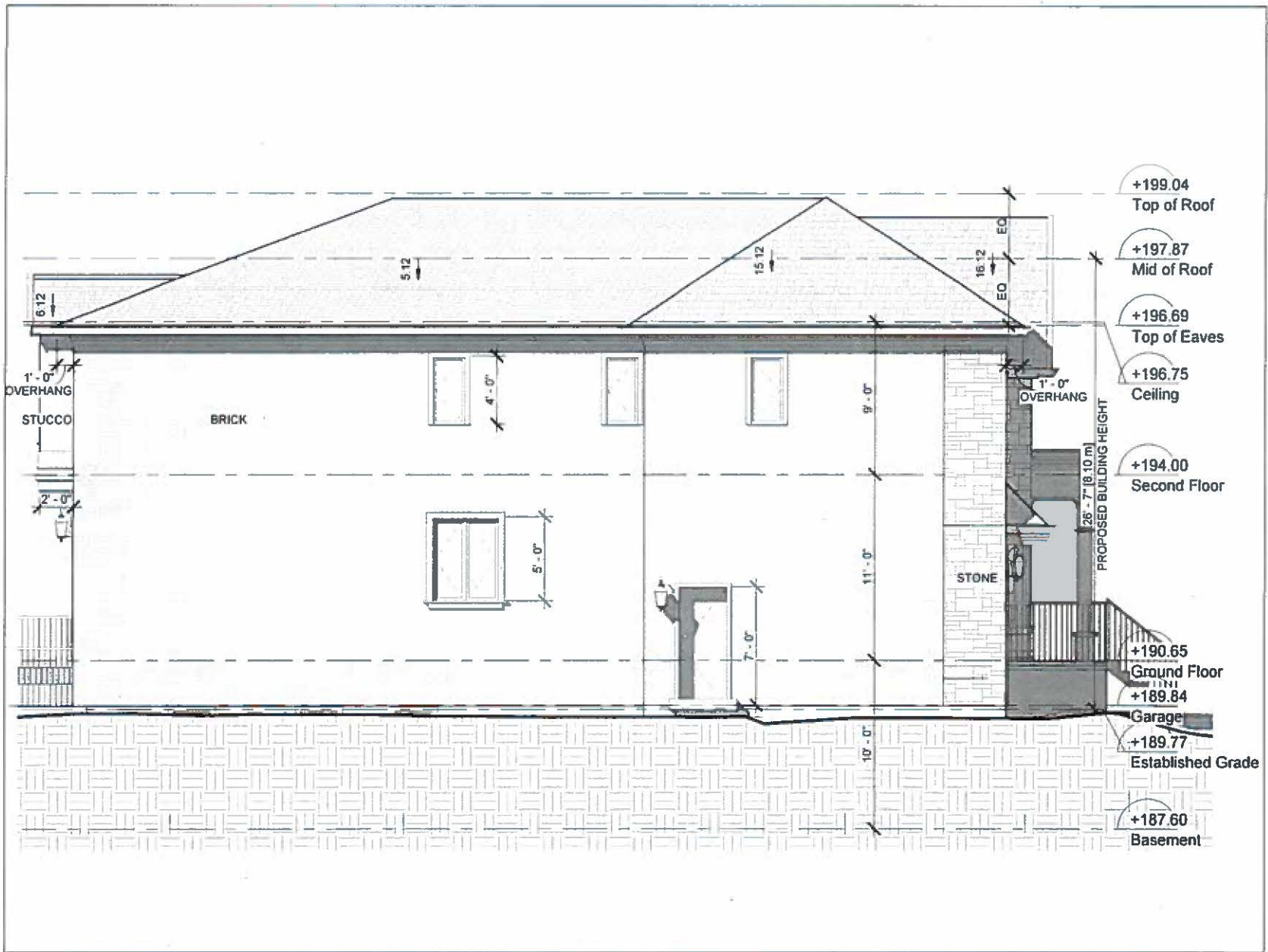
No.	Revision	Date	By
I	Design Review	2017-12-21	AW
J	Grading Plan Application	2018-02-02	DS
K	Variance Application	2018-03-21	DS

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23 Hagerman Blvd.  
Markham, ON

Project number	T2017081
Drawn	Scale 3/16" = 1'-0"
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**West Elevation (Side)**  
  
Drawing No. **A204**



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**East Elevation (Side)**

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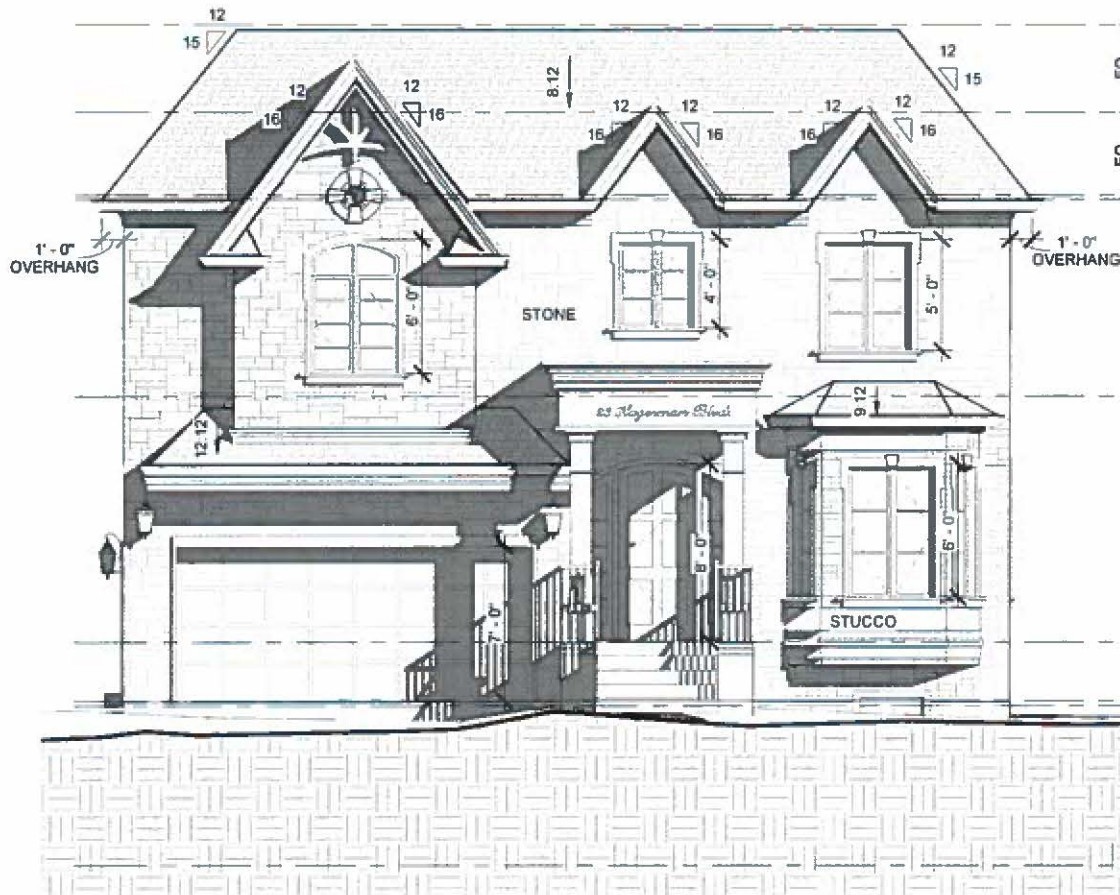
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**South Elevation (Rear)**

Drawing No. **A202**



- +199.04 Top of Roof
  - +197.87 Mid of Roof
  - +196.75 Ceiling
  - +196.69 Top of Eaves
  - +194.00 Second Floor
  - +190.65 Ground Floor
  - +189.84 Garage
  - +189.77 Established Grade
  - +187.60 Basement
- PROPOSED BUILDING HEIGHT  
26'-7" (8.10 m)

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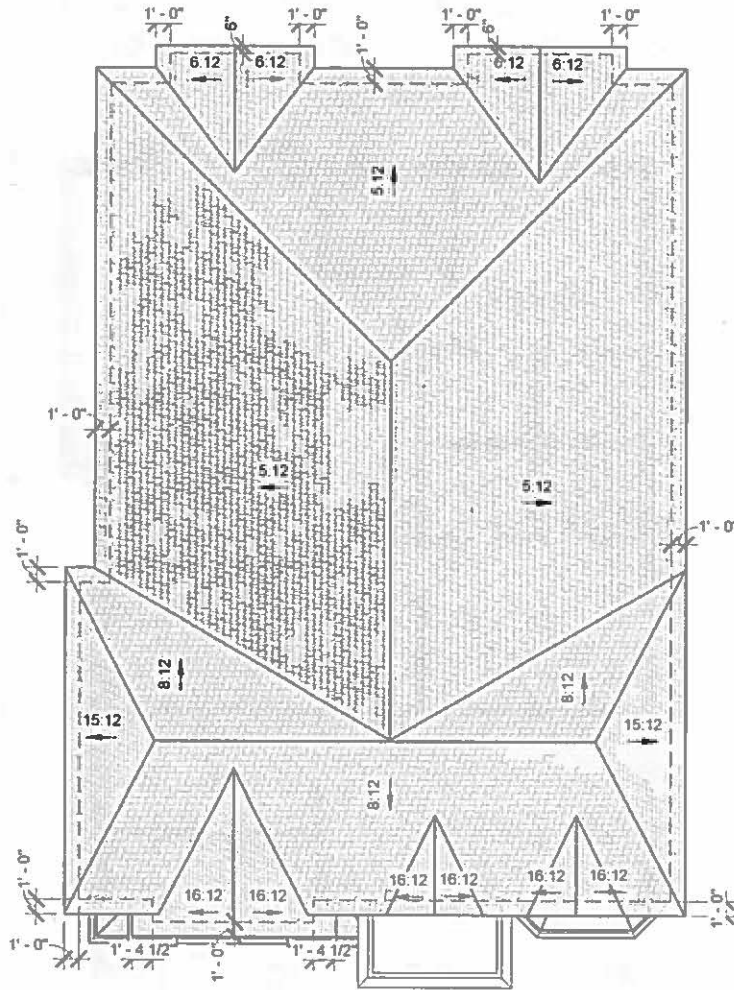
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North Elevation (Main)

Drawing No. **A201**



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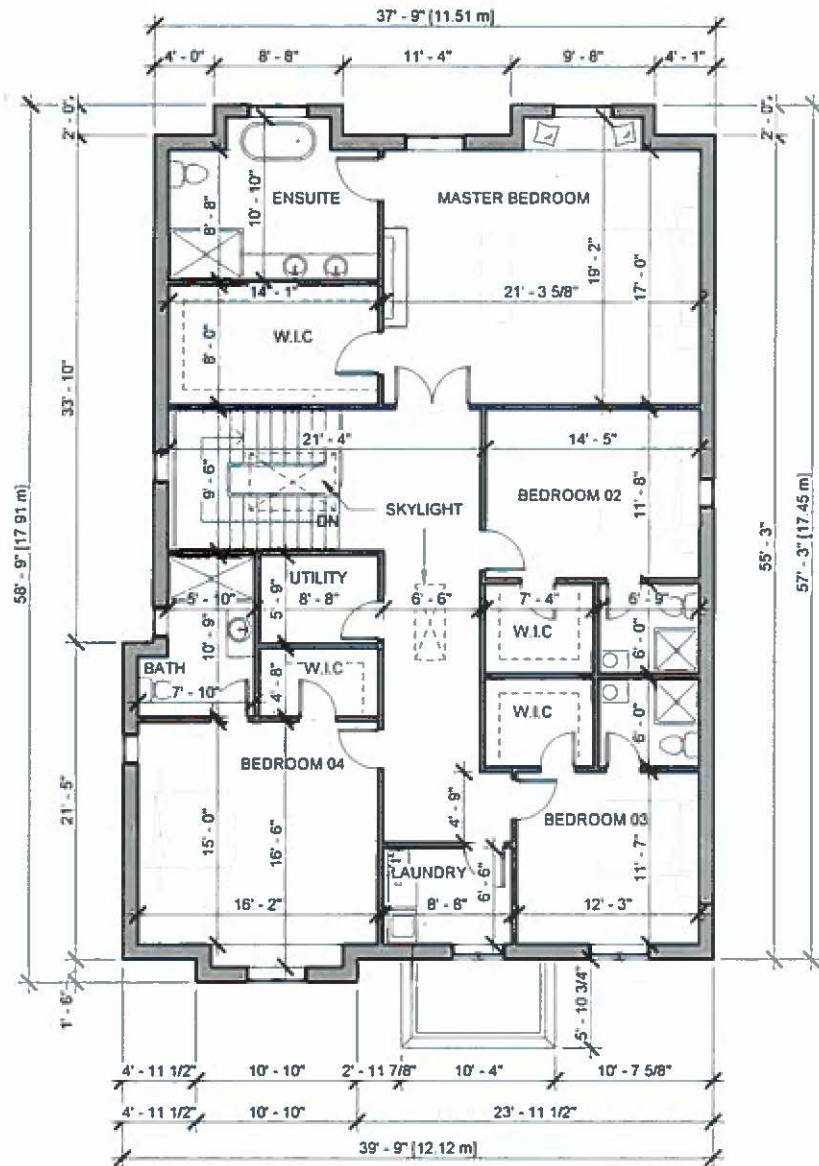
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**Proposed Roof Plan**

Drawing No. **A104**



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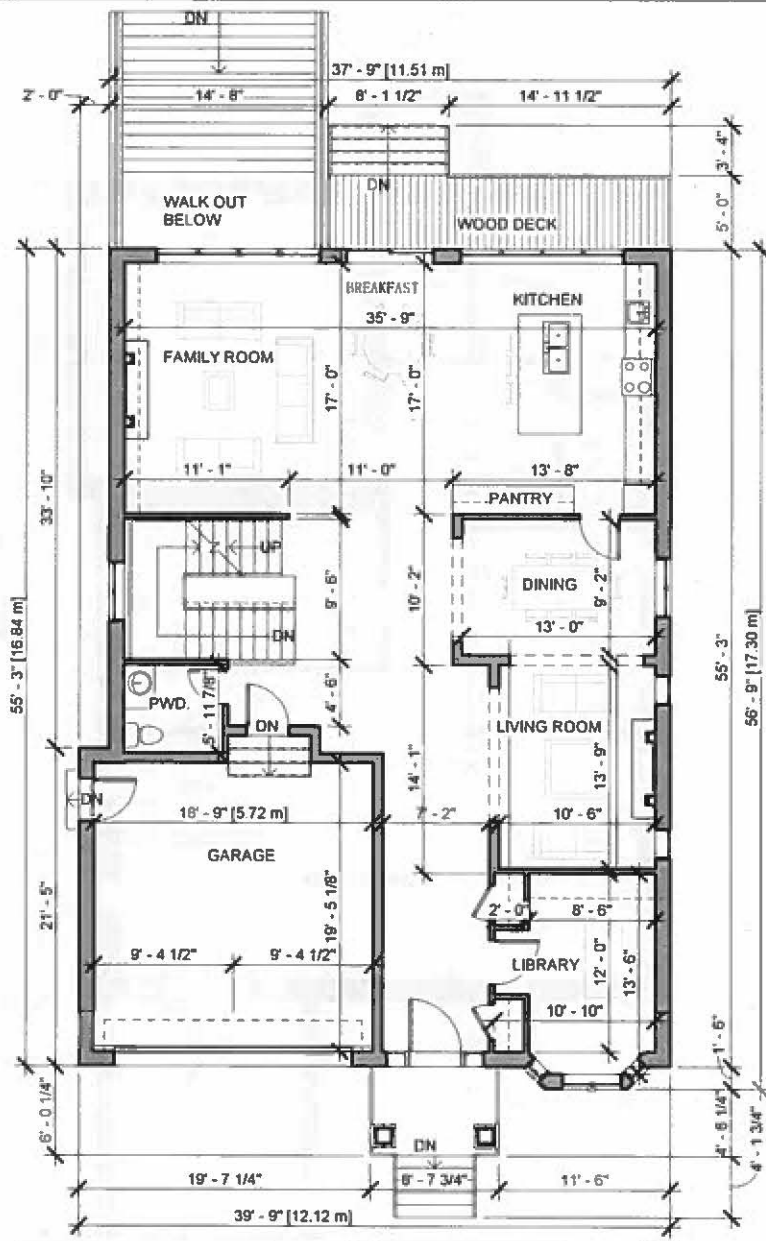
Project number: T2017081

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**Proposed Second Floor  
Plan**

Drawing No. **A103**



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**Proposed Ground Floor Plan**  
 Drawing No. A102



**SITE STATISTICS (MARKHAM)**

<b>ZONING</b>	BY-LAW 11-72 (R4)	<b>LOT NO.</b>	239
<b>PLAN NO.</b>	M-1441	<b>LOT AREA</b>	6393.76 SF (594.00 M <sup>2</sup> )
<b>LOT FRONTAGE</b>	52' - 6" (16.00M)	<b>LOT DEPTH</b>	121' - 9 1/2" (37.13M)

DESCRIPTION	EXISTING	PROPOSED	REQUIRED	SECTION
<b>MIN. LOT FRONTAGE</b>	52' - 6" (16.00 M)	52' - 6" (16.00 M)	50' - 0" (15.24M)	
<b>MIN. LOT AREA</b>	6393.76 SF (594.00 M <sup>2</sup> )	6393.76 SF (594.00 M <sup>2</sup> )	6,250.0 SF (580.64 M <sup>2</sup> )	
<b>MAX. BUILDING HEIGHT</b>		26' - 7" (8.10M)	25' - 0" (7.62M)	
<b>NO. OF STORIES</b>	2	2	2	
<b>BUILDING AREA</b>	1715.14 SF (159.34 M <sup>2</sup> )	2128.59 SF (197.75 M <sup>2</sup> )		
<b>BUILDING LENGTH</b>	50' - 10 1/2" (15.50 M)	55' - 3" (16.84 M)		
<b>MIN. GROSS FLOOR AREA</b>	2806.48 SF (260.73M <sup>2</sup> )	4314.05 SF (400.79 M <sup>2</sup> )	1500 SF (139.36M <sup>2</sup> )	
<b>BUILDING WIDTH</b>	37' - 7 1/2" (11.47 M)	39' - 9" (12.12 M)		
<b>MAX LOT COVERAGE</b>	1715.14SF (159.34 M <sup>2</sup> )	2128.59 SF (197.75 M <sup>2</sup> )	33.29%	33.3%
<b>MIN. DRIVEWAY WIDTH LEADING TO PRIVATE GARAGE</b>		18' - 7" (5.67M)	8' - 0" (2.44M)	6.2.4.2 (By law 28-97)
<b>SETBACK</b>	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED</b>	<b>SECTION</b>
<b>FRONT (NORTH)</b>	27' - 10" (8.48M)	27' - 0" (8.23M)	27' - 0" (8.23M)	
<b>SIDE (EAST)</b>	8' - 1" (2.47M)	6' - 8 1/2" (2.05M)	6' - 0" (1.83M)	
<b>SIDE (WEST)</b>	6' - 9" (2.06M)	6' - 0" (1.83M)	6' - 0" (1.83M)	
<b>REAR (SOUTH)</b>	46' - 9" (14.24M)	37' - 5" (11.40M)	25' - 0" (7.62M)	

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**TAES Architects Inc.**

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Project number	12017061
Drawn	Scale 6" = 1'-0"
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**Site Statistics**

Drawing No. **A002**

