

Memorandum to the City of Markham Committee of Adjustment

May 2, 2018

File: A/35/18
Address: 8 Oakcrest Ave, Markham
Applicant: Wai Gus Gee
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday May 09, 2018

The following comments are provided on behalf of the Central Team. The applicant is requesting relief from the following requirements of By-law 122-72, as amended:

a) Section 5.7:

a roofed porch with unenclosed sides to encroach 6'11 7/8" (2.13 m) into a required rear yard; whereas the by-law permits a maximum of 18" (0.45 m);

b) Infill By-law 16-93 Section 1.2(iii):

A maximum building depth of 19.81 m; whereas the by-law requires 16.8 m;

as they relate to an existing covered rear concrete porch.

Property Description

The 487.4 m² (5247 ft²) subject property is located on the west side of Oakcrest Avenue, south of Highway 7 East. The property is located within an established residential neighbourhood comprised of two-storey detached homes. There is an existing two-storey detached home with a detached garage on the property, which according to assessment records was constructed in 2013.

Proposal

The proposed minor variances relate to an existing covered concrete porch built at the rear of the dwelling. The existing covered concrete porch was constructed without a building permit. However, the approved Site Plan drawings for the subject property indicate an uncovered porch in the rear yard. If approved, the Applicant will be required to obtain a building permit.

Official Plan 2014 (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. 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 122-72

The subject property is zoned R3 under By-law 122-72 as amended. The existing building does not comply with the by-law with respect to the porch encroachment.

Residential Infill Zoning By-law 16-93

The subject property is also subject to the Residential Infill Zoning By-law 16-93. The intent of this By-law is to ensure the built form of new residential construction 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 infill By-law requirements with respect to building depth.

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 "due to the existing construction of a covered rear concrete porch"

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed development. It should be noted that the plans submitted with the ZPR depict a covered rear yard porch and the variances requested also reflect this condition.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 2, 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.

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 Rear Yard Porch Encroachment

The applicant is requesting relief to permit a roofed porch with unenclosed sides to encroach 6'11 7/8" (2.13 m) into a required rear yard, whereas the By-law requires a maximum rear yard encroachment of 18" ft (0.45 m). This represents an increase in of approximately 5'51" (1.68 m).

Increase in Building Depth

The applicant is requesting relief to permit a maximum building depth of 19.81 m (64.99 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). Building depth is measured from the wall or structure closest to the front lot line to the wall or structure furthest from the front lot line. This represents an increase of approximately 3.01 m (9.87 ft).

The increase in building depth has been requested to accommodate an existing covered porch in the rear yard. The covered porch adds approximately 3.03 m (9.94 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of approximately 16.78 m (55.05 ft) which complies with the by-law requirement. The main rear wall of the building provides a rear yard setback of 52.16 ft (15.90 m) and is in excess of the by-law requirement. The variance is entirely attributable to the introduction of a roof to the porch which would otherwise be permitted. Staff are of the opinion that the rear yard encroachment is minor and does not take away significant rear amenity space or create any significant impacts to neighbouring properties.

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 226895 \Documents\District Team Comments Memo

APPENDIX "A"

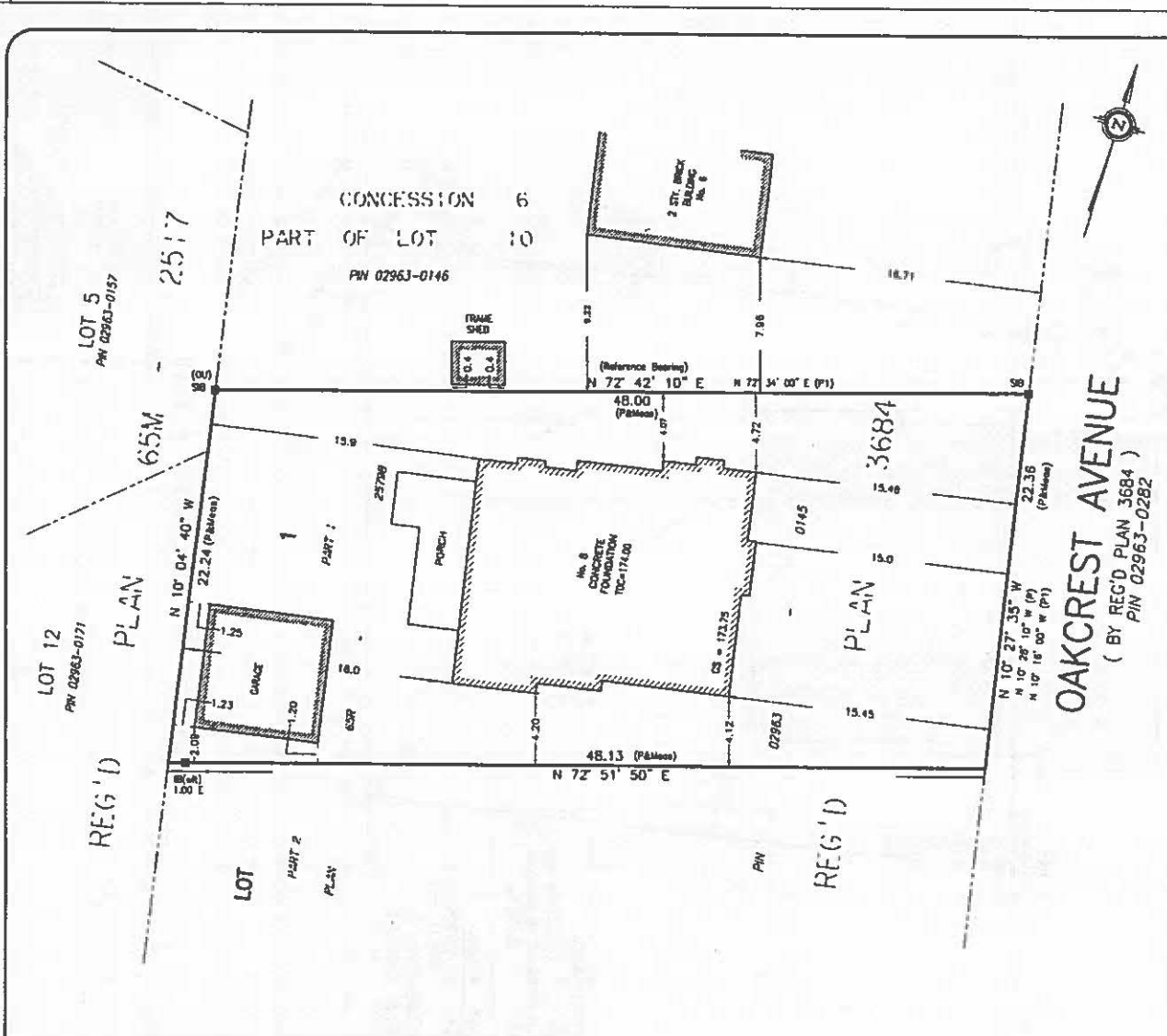
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/35/18

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 28th 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. That the owner implement and maintain all of the works required in accordance with the conditions of this variance
4. 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.
5. 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.
6. 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



SURVEYOR'S REAL PROPERTY REPORT - PART 1
 PLAN OF
PART OF LOT 1
REGISTERED PLAN 3684
TOWN OF MARKHAM
 (Geographic Township of Markham, County of York)
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1 : 250
 david horwood limited ontario land surveyors

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SURVEYOR'S REAL PROPERTY REPORT - PART 2

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAY
 None

COMMENTS
 Note the Location of Fences

LEGEND

■ Survey Monument Found	CLF Chain Link Fence
□ Survey Monument Set	BF Board Fence
SB Standard Iron Bar	H David Horwood Limited, O.L.S.
IB Iron Bar	P Plan 65R-
NI No Marking	PI Reg'd Plan 3684

METRIC
 Distances shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

NOTE
 This REPORT can be updated by this office, however NO ADDITIONAL PRINTS of this ORIGINAL REPORT will be issued, subsequent to the DATE of CERTIFICATION. All building lines are perpendicular to property lines unless otherwise noted. Property lines are unfenced unless otherwise noted.

This REPORT was prepared for Kevin Jones and the undersigned accepts no responsibility for use by other parties.

BEARING NOTE
 Bearings are astronomic, and are referred to the North Sine of Lot 1 being N 72° 42' 10" E as shown Plan 65R-

SURVEYOR'S CERTIFICATE
 I certify that:
 1. This survey and plan are correct and in accordance with Surveys Act, Surveyors Act and Land Titles Act and the regulations made under them.
 2. This survey was completed on 3rd day of November, 2008.

David Horwood November 4, 2008
 David Horwood Date
 Ontario Land Surveyor
 Project No.: 8067-SRPR

ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM
1713662



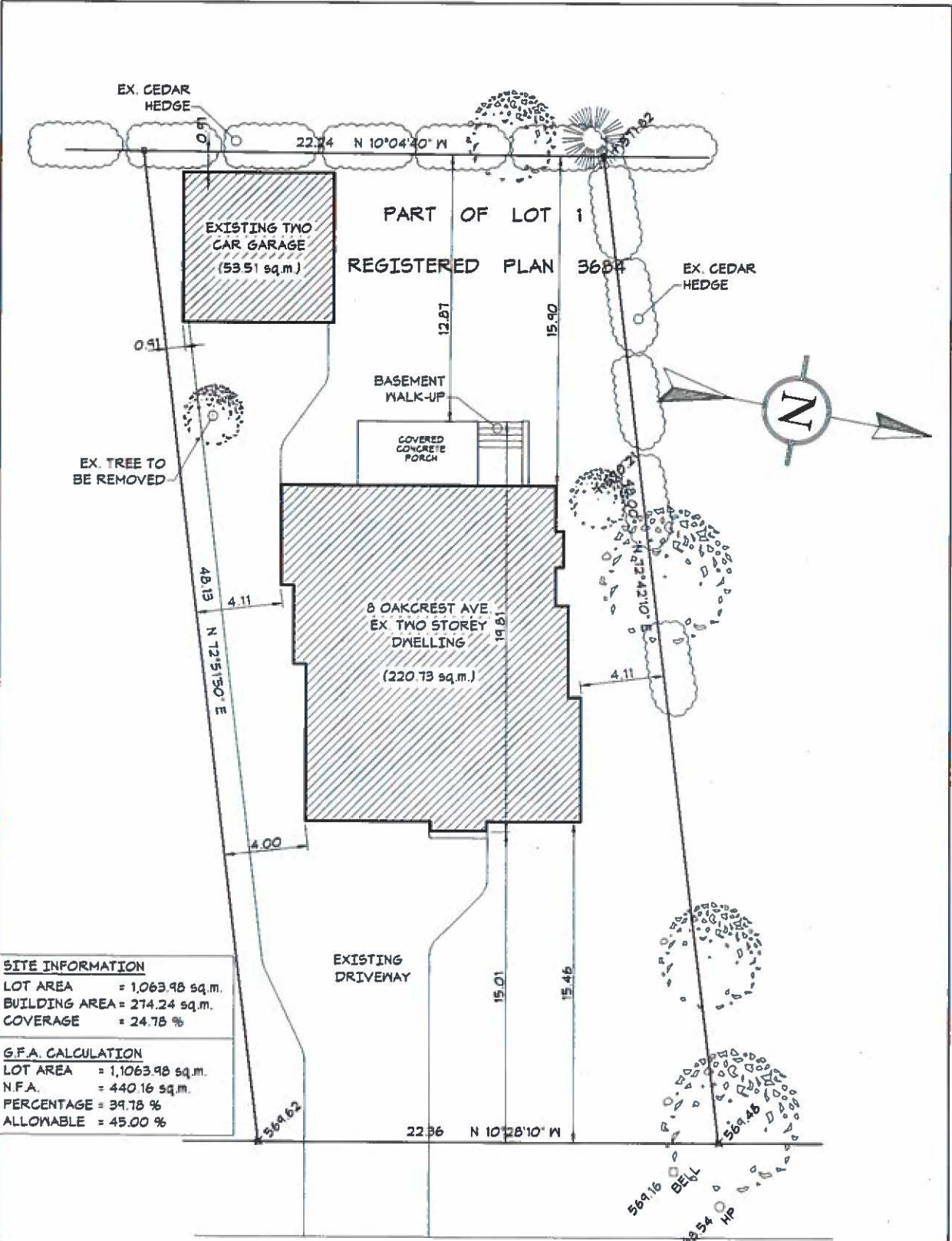
THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1826, Section 29(3).

296 randall street, oakville, ontario L6J 1R1
 Box: (905) 635-1404 Fax: (905) 615-1332 e-mail: oakville@d4hsurveyors.com

oakville david horwood limited markham
 ontario land surveyor canada land surveyor

3980 14th avenue, unit 17 markham, ontario L3R 0B1
 Box: (905) 475-7265 Fax: (905) 475-1277 e-mail: markham@d4hsurveyors.com

APPENDIX B

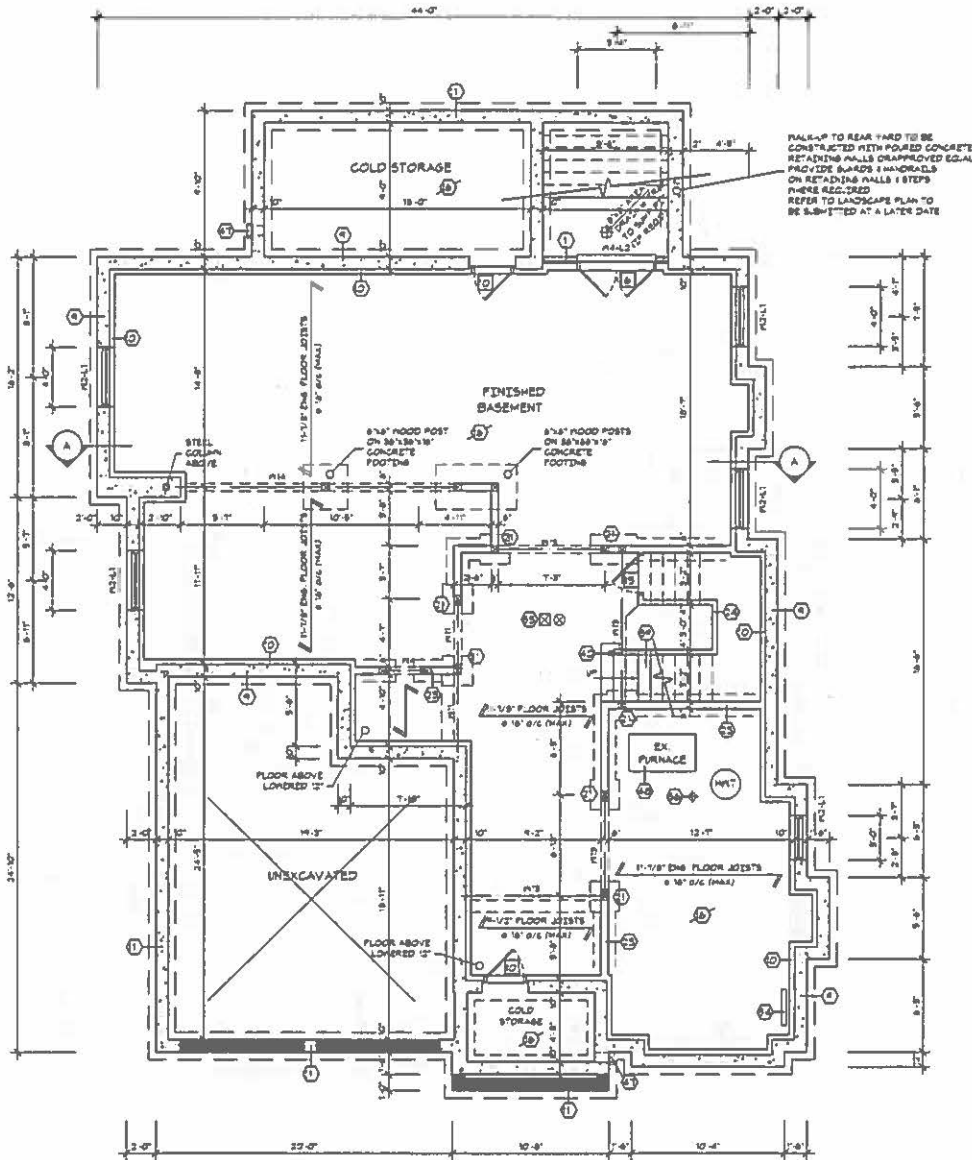


SITE INFORMATION	
LOT AREA	= 1,063.98 sq.m.
BUILDING AREA	= 274.24 sq.m.
COVERAGE	= 24.78 %
G.F.A. CALCULATION	
LOT AREA	= 1,063.98 sq.m.
N.F.A.	= 440.16 sq.m.
PERCENTAGE	= 39.78 %
ALLOWABLE	= 45.00 %

X-570.28

OAKCREST AVENUE

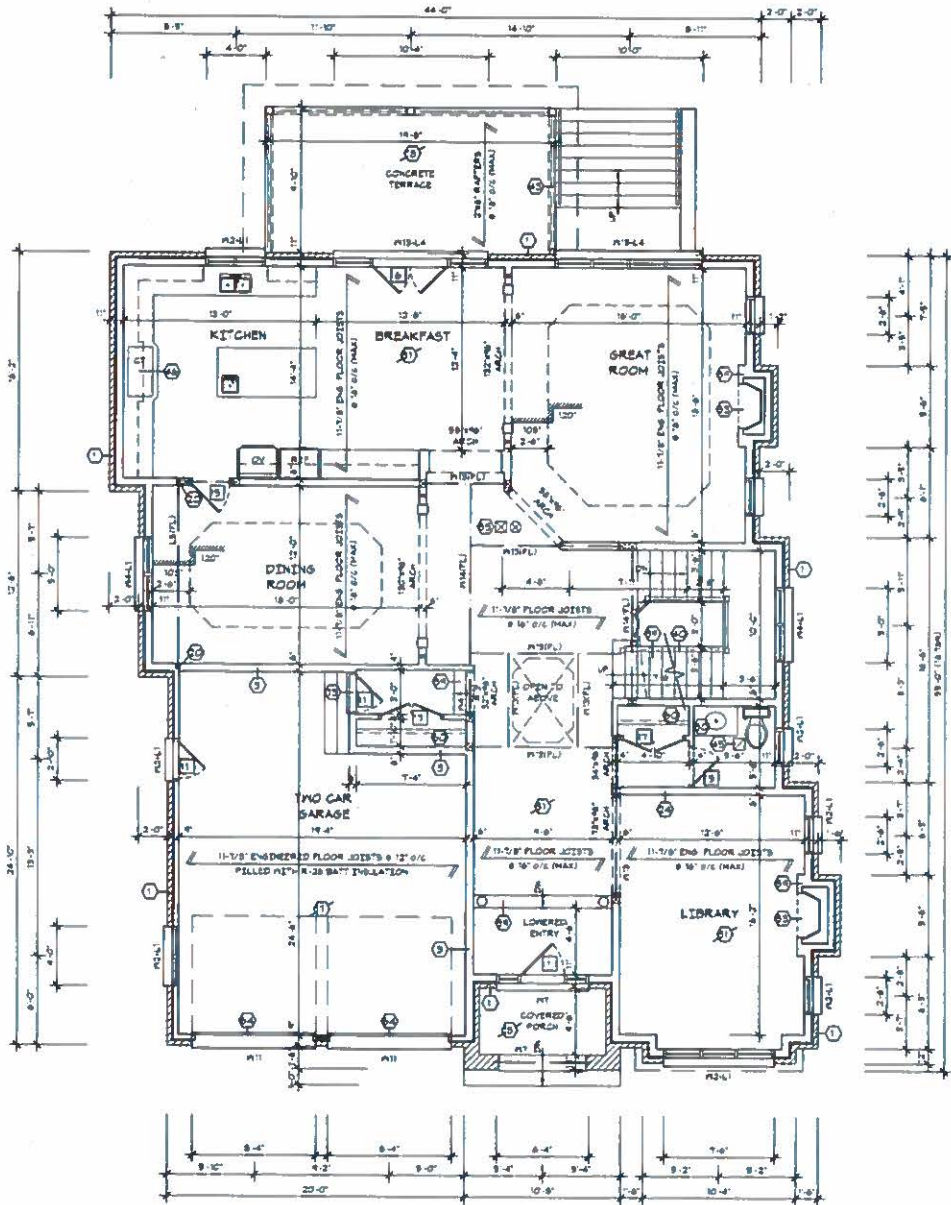
PROJECT SITE PLAN SHOWING 8 OAKCREST AVENUE TOWN OF MARKHAM	CLIENT S. GREGORY
	DATE 03/21/10
THE GREGORY DESIGN GROUP 67 SUMMERFELDT CRES. UNIONVILLE, ONTARIO, L3R 2B1 OFFICE (905) 479-4767 FAX (905) 479-8496	SCALE 1:200
	PROJECT NO. 1176-08
	SHEET NO. SP-1



WALK-UP TO REAR YARD TO BE CONSTRUCTED WITH POURED CONCRETE RETAINING WALLS UNAPPROVED EQUAL PROTECTIVE BARRIERS & HANDRAILS ON RETAINING WALLS & STEPS WHEN REQUIRED REFER TO LANDSCAPE PLAN TO BE SUBMITTED AT A LATER DATE

BASEMENT & FOUNDATIONS

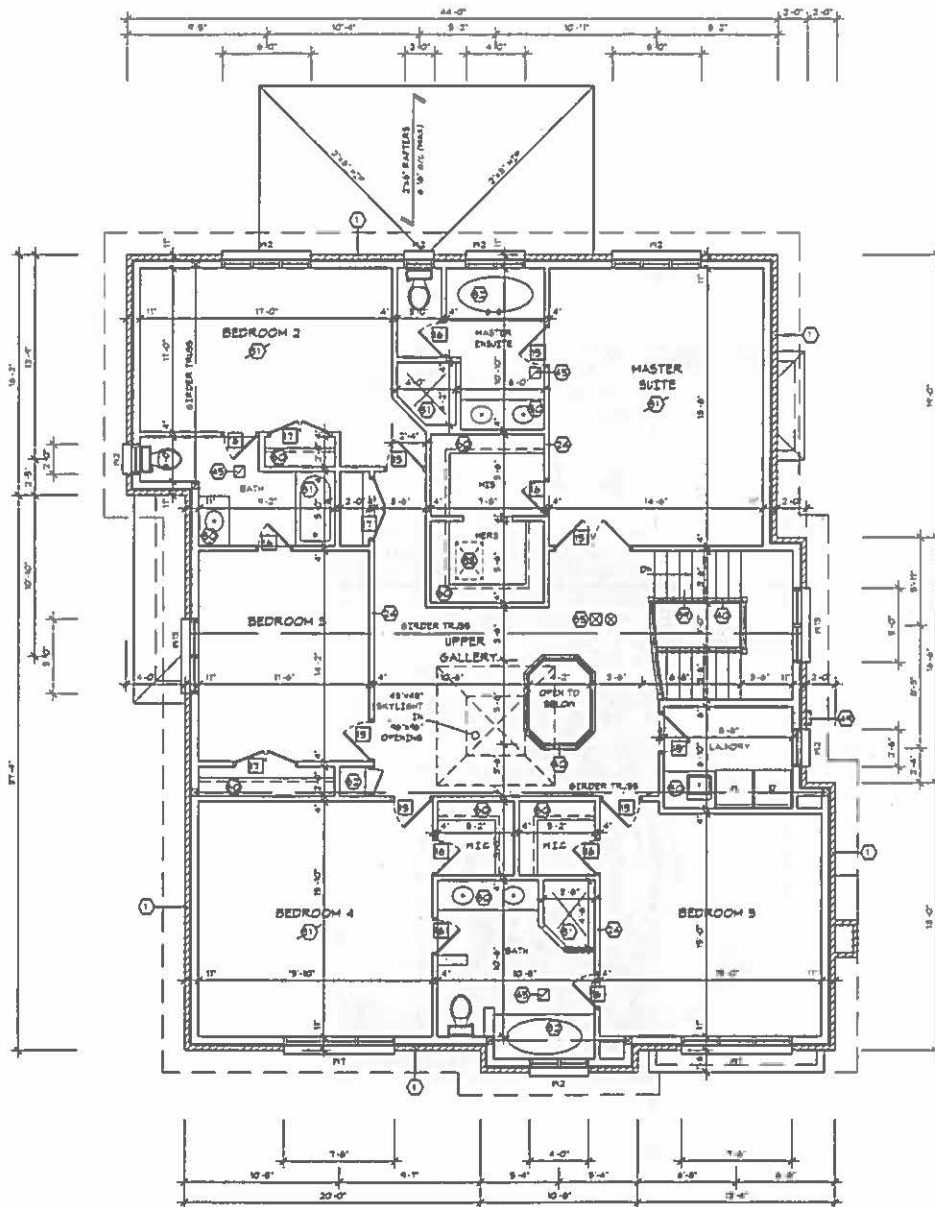
PROJECT HOUSE 1176 6 DAKCREST AVENUE TOWN OF MARKHAM	NOTES <small>1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN METERS. 2. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN METERS. 3. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN METERS. 4. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN METERS. 5. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN METERS.</small>	DRAWN BY G. GREGORY
	DATE 02/13/18	SCALE 3/16" = 1'-0"
	PROJECT NO. 1176-00	DRAWING NO. A-1
	THE GREGORY DESIGN GROUP 67 SUMMERFELDT CRES. UNIONVILLE, ONTARIO, L3R 2B1 OFFICE (905) 479-4767 FAX (905) 479-8496	
	NOTES <small>1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN METERS. 2. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN METERS. 3. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN METERS. 4. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN METERS. 5. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN METERS.</small>	



GROUND FLOOR PLAN

FLOOR AREA = 1,656 sq.ft.
 BUILDING AREA = 2,376 sq.ft.

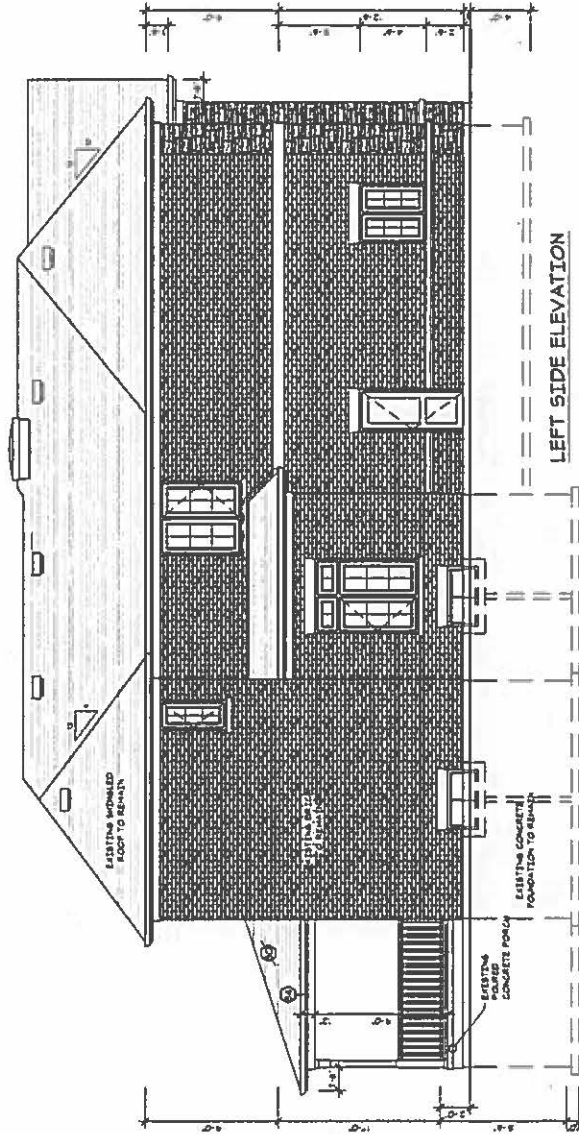
PROJECT HOUSE 1176 6 OAKCREST AVENUE TOWN OF MARKHAM	NOTES 1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES. 2. ALL WALLS TO BE FINISHED WITH 5/8\"/>	DRAWN BY S. GREGORY
	DATE 02/13/16	SCALE 3/16" = 1'-0"
THE GREGORY DESIGN GROUP 67 SUMMERFELDT CRES. UNIONVILLE, ONTARIO, L3R 2B1 OFFICE (905) 479-4767 FAX (905) 479-8496	PROJECT NO. 1176-06	DRAWING NO. A-2



SECOND FLOOR PLAN
 FLOOR AREA = 2,826 sq. ft.

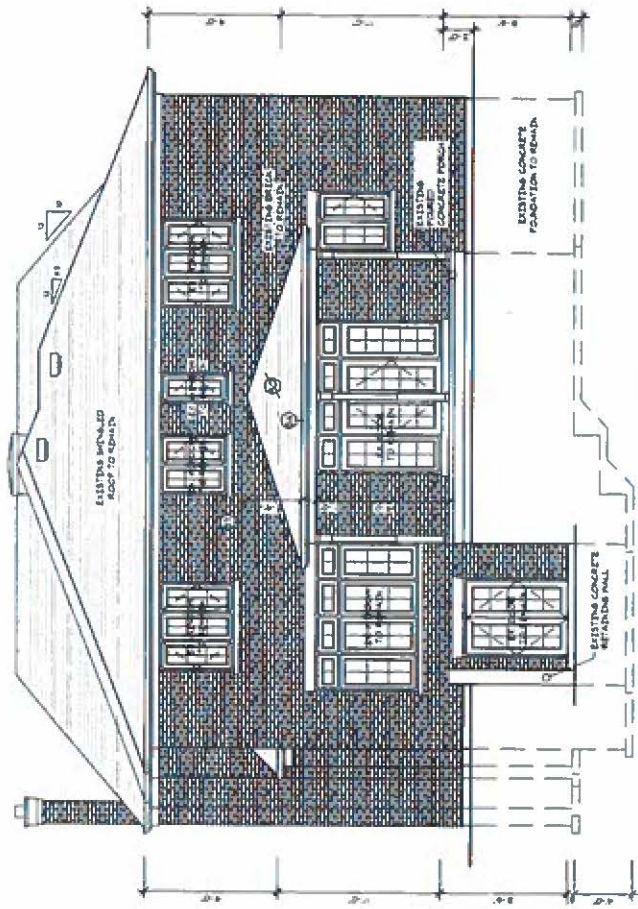
PROJECT	HOUSE 1176 6 OAKCREST AVENUE TOWN OF MARKHAM	NOTES 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.	DATE
	02/13/18		
DRAWN BY	S. GREGORY	SCALE	1/4" = 1'-0"
	PROJECT NO.		1176-06
CHECKED BY		DRAWING NO.	A-3

THE GREGORY DESIGN GROUP
 67 SUMMERFELDT CRES.
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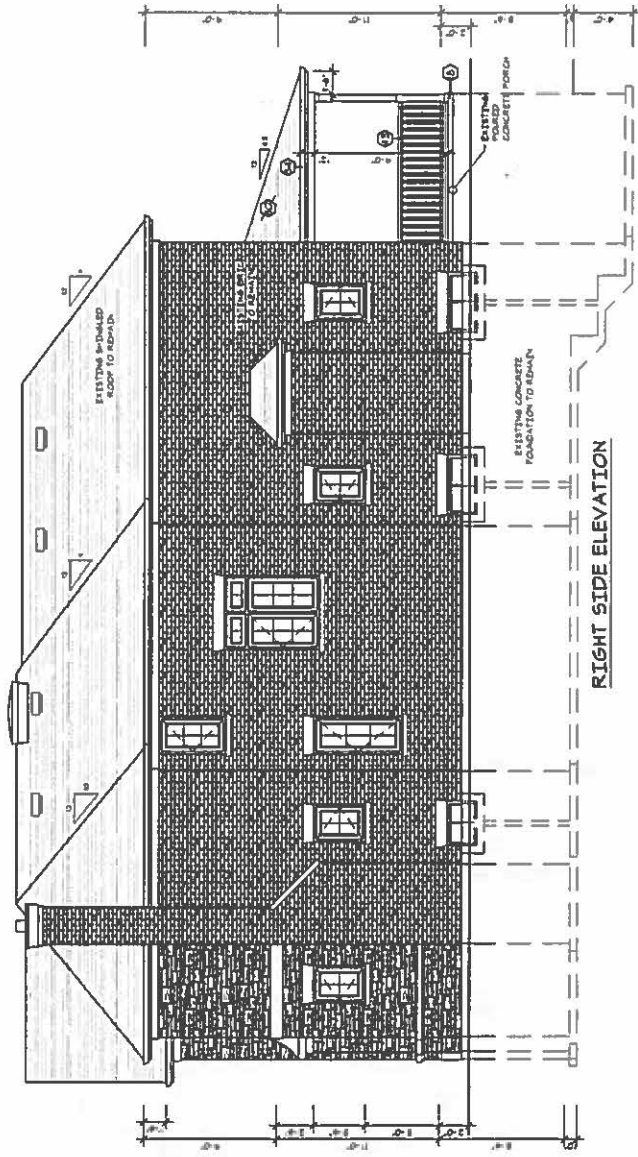
LEFT SIDE ELEVATION

PREPARED BY: HOUSE #1176 8 DUNCREST AVENUE TOWN OF MARYHAM	DRAWN: S. GREGORY
	DATE: 02/13/10
	SCALE: 3/16" = 1'-0"
	PROJECT NO. / DRAWING NO.: 1176.00 / A-5
	THE GREGORY DESIGN GROUP 67 SUMMERFELD CRES. UNIONVILLE, ONTARIO, L3K 2B1 OFFICE (905) 479-4767 FAX (905) 479-8496



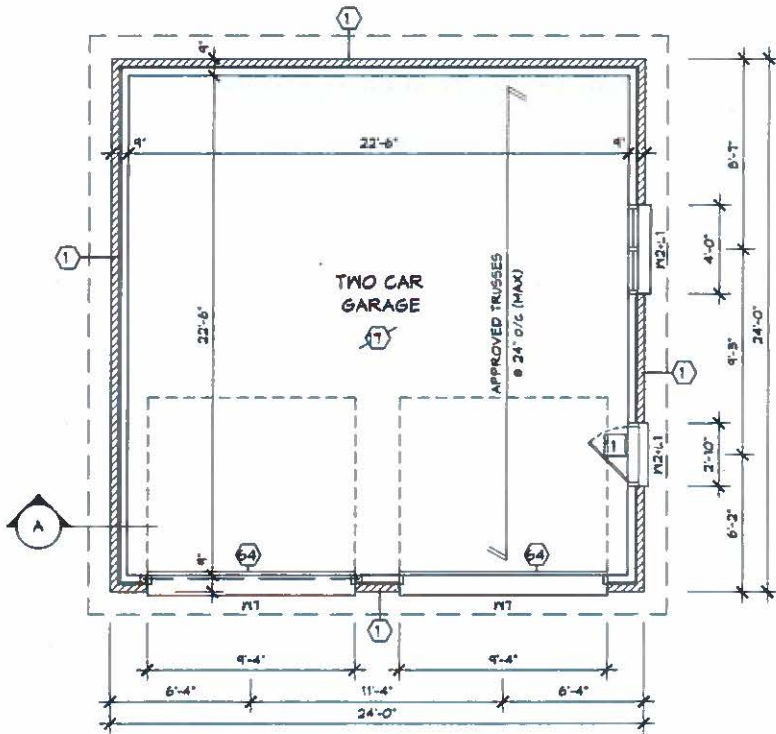
REAR ELEVATION

DATE: 02/31/0	OWNER: S. GREGORY
	PROJECT: HOUSE #17E 6 OAKCREST AVENUE TOWN OF MOUNTAIN
	SCALE: 3/16" = 1'-0"
	DATE: 02/31/0
DRAWN BY: S. GREGORY	PROJECT NO.:
	1175.00
THE GREGORY DESIGN GROUP 67 SUMMERFELD CRES. UNIONVILLE, ONTARIO, L3R 2B1 OFFICE (905) 479-4767 FAX (905) 479-8496	
A-6	

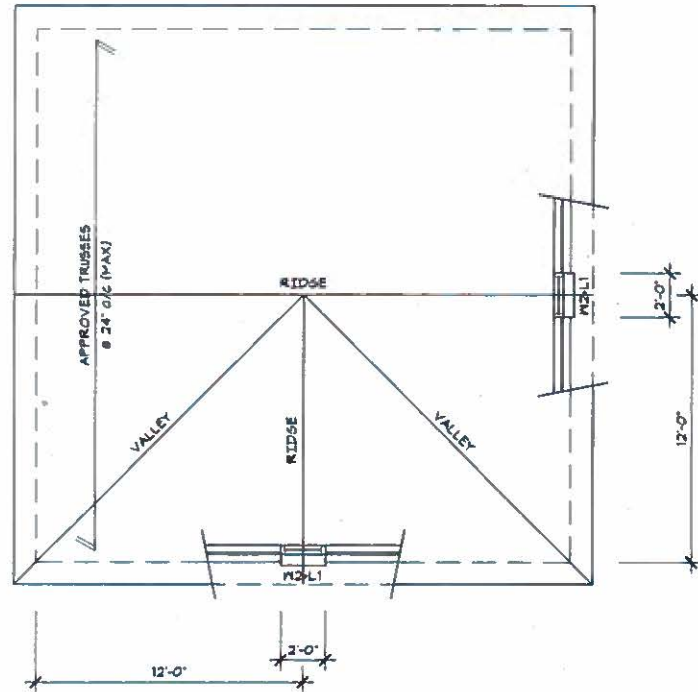


RIGHT SIDE ELEVATION

PROJECT	OWNER	S. GREGORY
	DATE	02/13/10
	SCALE	3/16" = 1'-0"
	TOTAL NO.	1176.00
	ISSUE NO.	A-7
THE GREGORY DESIGN GROUP	67 SUMMERFELD CRES. UNIONVILLE, ONTARIO, L3R 2B1 OFFICE (905) 479-4767 FAX (905) 479-8496	
	HOUSE #172 8 OAKCREST AVENUE TOWN OF MARKHAM	

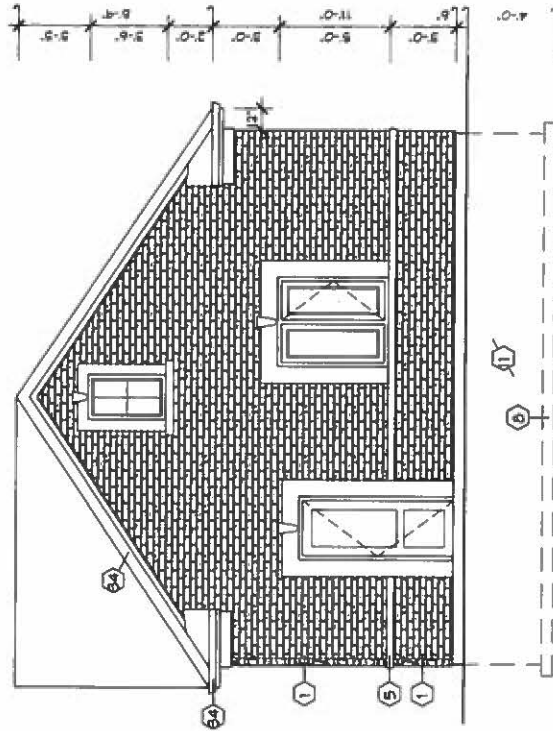


GARAGE PLAN

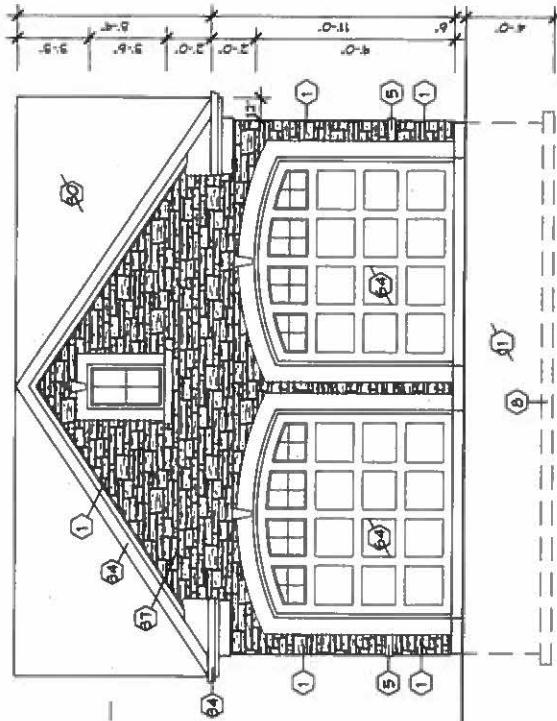


ROOF PLAN

PROJECT:	CLIENT:	DATE:
PROPOSED GARAGE 8 DAN CREST AVENUE TOWN OF WARRHAM	THE GREGORY DESIGN GROUP 67 SUMMERFELDT CRES. UNIONVILLE, ONTARIO, L3R 2B1 OFFICE (905) 479-4767 FAX (905) 479-8496	5. GREGORY 02/13/18
		SCALE:
		3/1" = 1'-0"
		PROJECT NO.:
		117C 08
		DRAWING NO.:
		A-1



RIGHT SIDE ELEVATION



FRONT ELEVATION

DRAWN D. GREGORY DATE 02/13/06 SCALE 3/16" = 1'-0" PROJECT NO. 1175-00 SHEET NO. A-2	NOTES 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL RESIDENTIAL CODE BOOK AND THE 2003 INTERNATIONAL ENERGY EFFICIENCY CODE BOOK. 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL RESIDENTIAL CODE BOOK AND THE 2003 INTERNATIONAL ENERGY EFFICIENCY CODE BOOK. 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL RESIDENTIAL CODE BOOK AND THE 2003 INTERNATIONAL ENERGY EFFICIENCY CODE BOOK. 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL RESIDENTIAL CODE BOOK AND THE 2003 INTERNATIONAL ENERGY EFFICIENCY CODE BOOK. 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL RESIDENTIAL CODE BOOK AND THE 2003 INTERNATIONAL ENERGY EFFICIENCY CODE BOOK. 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL RESIDENTIAL CODE BOOK AND THE 2003 INTERNATIONAL ENERGY EFFICIENCY CODE BOOK. 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL RESIDENTIAL CODE BOOK AND THE 2003 INTERNATIONAL ENERGY EFFICIENCY CODE BOOK. 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL RESIDENTIAL CODE BOOK AND THE 2003 INTERNATIONAL ENERGY EFFICIENCY CODE BOOK. 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL RESIDENTIAL CODE BOOK AND THE 2003 INTERNATIONAL ENERGY EFFICIENCY CODE BOOK. 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL RESIDENTIAL CODE BOOK AND THE 2003 INTERNATIONAL ENERGY EFFICIENCY CODE BOOK. 11. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL RESIDENTIAL CODE BOOK AND THE 2003 INTERNATIONAL ENERGY EFFICIENCY CODE BOOK.

THE GREGORY DESIGN GROUP
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