

Memorandum to the City of Markham Committee of Adjustment
April 30, 2018

File: A/41/18
Address: 1 Spirea Court, Thornhill
Applicant: Wendy Maduri
Agent: Robert Hurlbert
Hearing Date: Wednesday May 09, 2018

The following comments are provided on behalf of the West Team.

The applicant is requesting relief from the following requirements of By-law 1767, as amended, SR2:

- a) **Section 14(i)(c):**
a minimum front yard setback of 26.9 ft (8.2 m); whereas, the by-law requires a minimum front yard setback of 35 ft (10.67 m);
- b) **Infill By-law 100-90; Section 1.2(i):**
a maximum building height of 10.1 m; whereas, the By-law permits a maximum building height of 9.8 m;

as they relate to a proposed residential dwelling

BACKGROUND

Property Description

The subject property is located at the northeast corner of Spirea Court and Daffodil Avenue, east of Bayview Avenue and north of Steeles Avenue East. The surrounding area includes predominantly two-storey detached dwellings on large lots with mature vegetation. The property has an approximate area of 1,674.2 sq. m (18,021 sq. ft) and lot frontage of 44.3 m (145 ft). There is a 205.1 sq. m (2,208 sq. ft) two-storey single detached dwelling with attached two-car garage, built circa 1962. Mature vegetation is found throughout the property. Vehicular access is via a paved driveway from Spirea Court.

Proposal

The applicant proposes to construct a 620.6 sq. m (6,680 sq. ft) single detached dwelling with attached three-car garage. Five trees are to be removed in the process. One of these trees is located on public property within the Daffodil Avenue right-of-way. Staff have reviewed the Tree Assessment and Preservation Plan submitted by the applicant and do not have any major concerns about the proposed tree removals. The recommended conditions of approval in Appendix A include items related to tree protection and compensation for removed trees.

The applicant proposes to remove the existing driveway and replace it with a new driveway on Daffodil Avenue. The applicant worked closely with City Engineering

staff to determine the appropriate configuration of the driveway based on existing infrastructure in the area.

Official Plan and Zoning

Official Plan 2014 (partially approved on October 30, 2015, May 26, 2016, March 10, 2017, April 21, 2017 and November 24, 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 SR2 under By-law 1767, as amended, which permits single detached dwellings. The proposed front yard setback of 26.9 ft (8.2 m) does not comply with the required front yard setback of 35 ft (10.7 m). The proposed building height of 10.1 m (33.1 ft) does not comply with the maximum permitted height of 9.8 m (32.2 ft).

Residential Infill Zoning By-law

The subject property is also subject to Residential Infill Zoning By-law 100-90. The intent of this By-law is to ensure that the built form of new residential development maintains the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height 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 applicant's stated reasons for not complying with the zoning are as follows: "[Regarding variance a], maintaining rear yard setback and angle of cul de sac bring two smaller corners of building into front setback. [Regarding variance b], higher ceiling heights in today's new homes requiring larger building height."

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review 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.

Front Yard Setback

The applicant is requesting relief for a minimum front yard setback of 26.9 ft (8.2 m), whereas the by-law requires a minimum front yard setback of 35 ft (10.7 m). This represents an 8.1 ft (2.5 m), or approximately 23 percent, reduction in required front yard setback.

The reduction in front yard setback is associated with the irregular shape of the lot. The majority of the proposed building, except for its northwest corners where the lot line angles inward, complies with the required front yard setback.

The surrounding area includes houses with similar front yard setbacks of approximately 30 ft (9.1 m). At the abutting property to the north, a front addition is currently under construction after a minor variance was approved in 2017 to permit a front yard setback of 24.4 ft (7.4 m).

Building Height

The applicant is requesting relief for a maximum building height of 10.1 m (33.1 ft), whereas the By-law permits a maximum building height of 9.8 m (32.2 ft). This represents a 0.3 m (1 ft), or approximately 3.1 percent, increase in permitted building height.

The proposed increase in building height is considered to be minor and will not impact surrounding development due to generous setback distances to adjacent dwellings.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 30, 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 satisfies the four tests of the Planning Act and have no objection to its approval. 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.

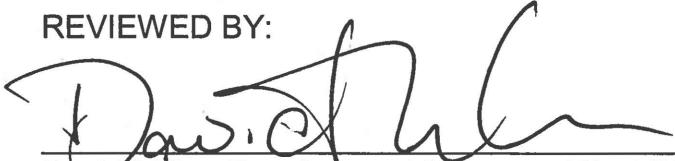
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Greg Hayes, Committee of Adjustment Technician, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District

APPENDIX "A"

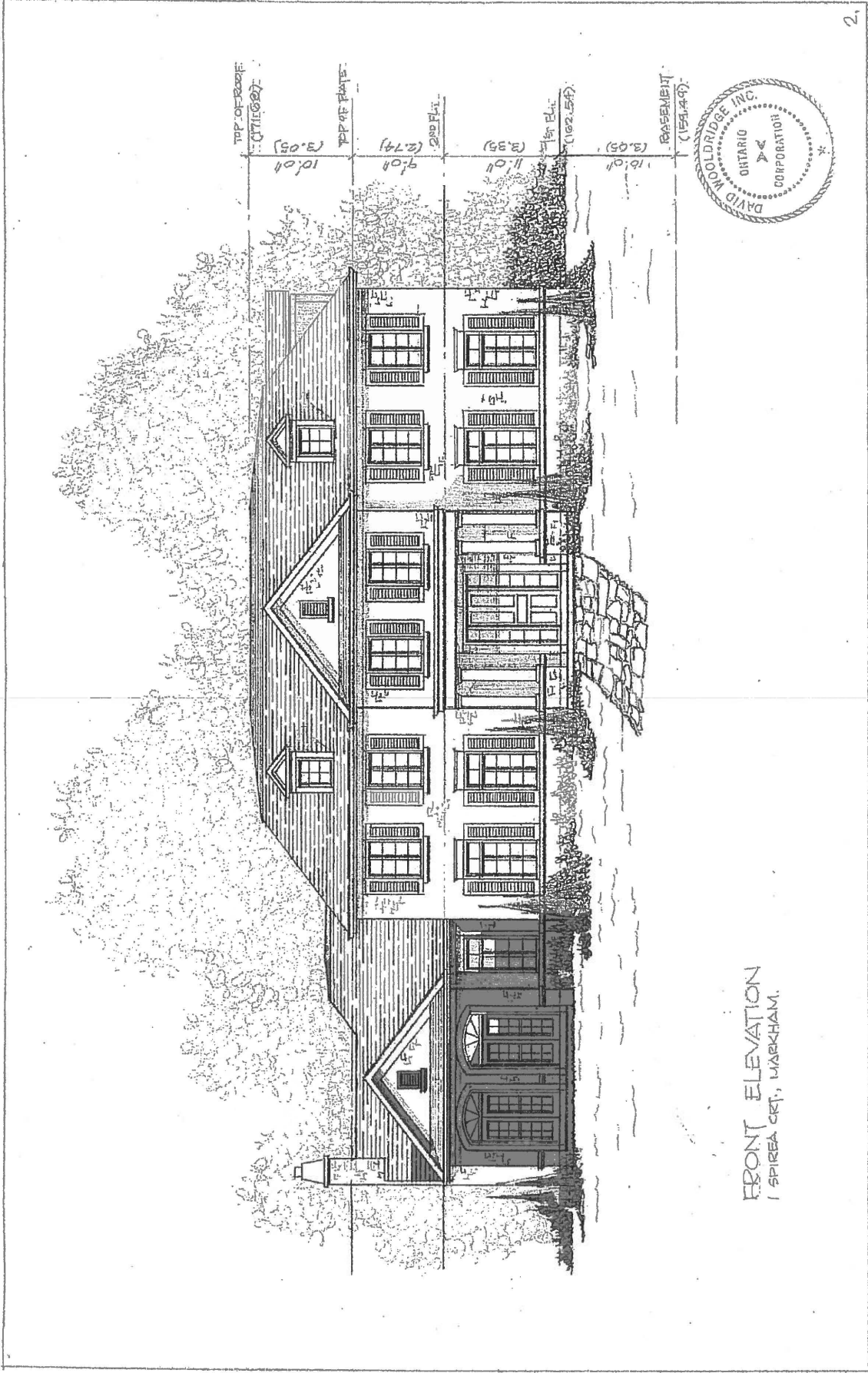
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/41/18

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 A' to this Staff Report and dated March 6, 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 submits a Tree Assessment and Preservation Plan prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended from time to time to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree protection fencing is erected in accordance with the City's Streetscape Manual (2009), as amended from time to time and inspected to the satisfaction of the Director of Planning and Urban Design, or their designate.
5. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree replacements are provided and/or tree replacement fees are paid to the City, if required by the Director of Planning and Urban Design, or their designate.
6. That the proposed building elevations/addition be designed and constructed in conformity with the requirements of Markham's Bird Friendly Guidelines 2014, and that architectural plans be submitted to the City demonstrating compliance, to the satisfaction of the Director of Planning and Urban Design or their designate.

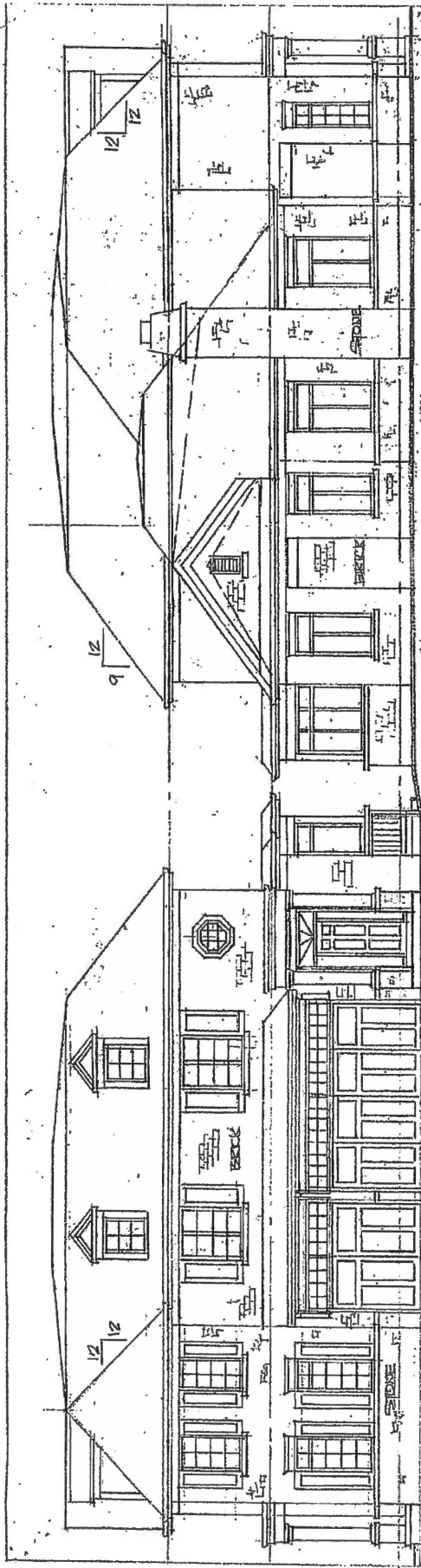
CONDITIONS PREPARED BY:



Greg Hayes, Committee of Adjustment Technician, Zoning and Special Projects

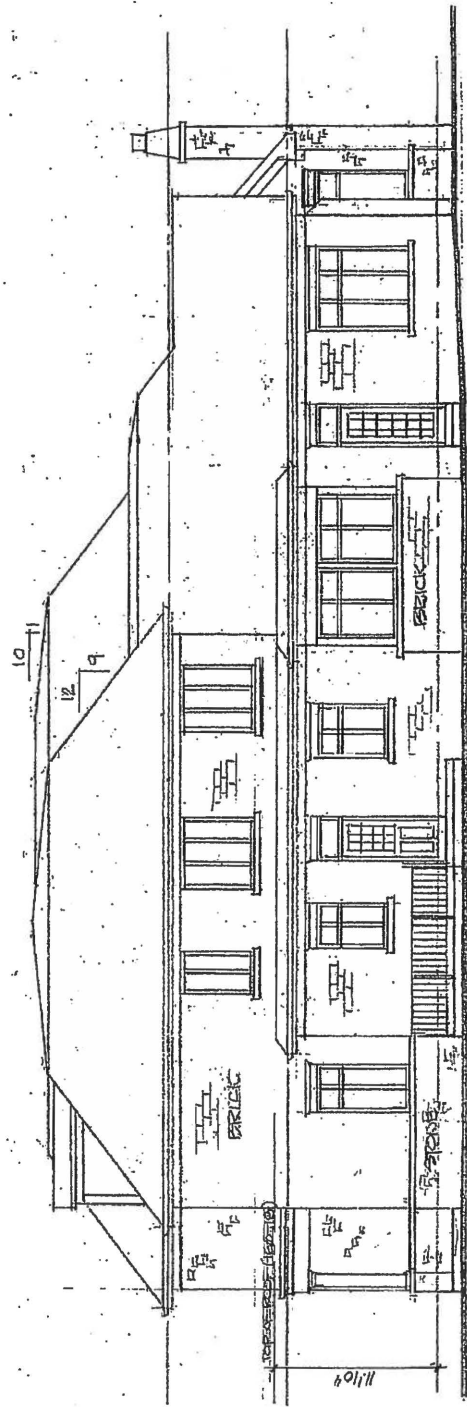


FRONT ELEVATION
1 SPIREA CRT., MARKHAM.

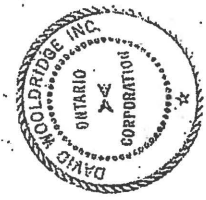


LEFT ELEVATION

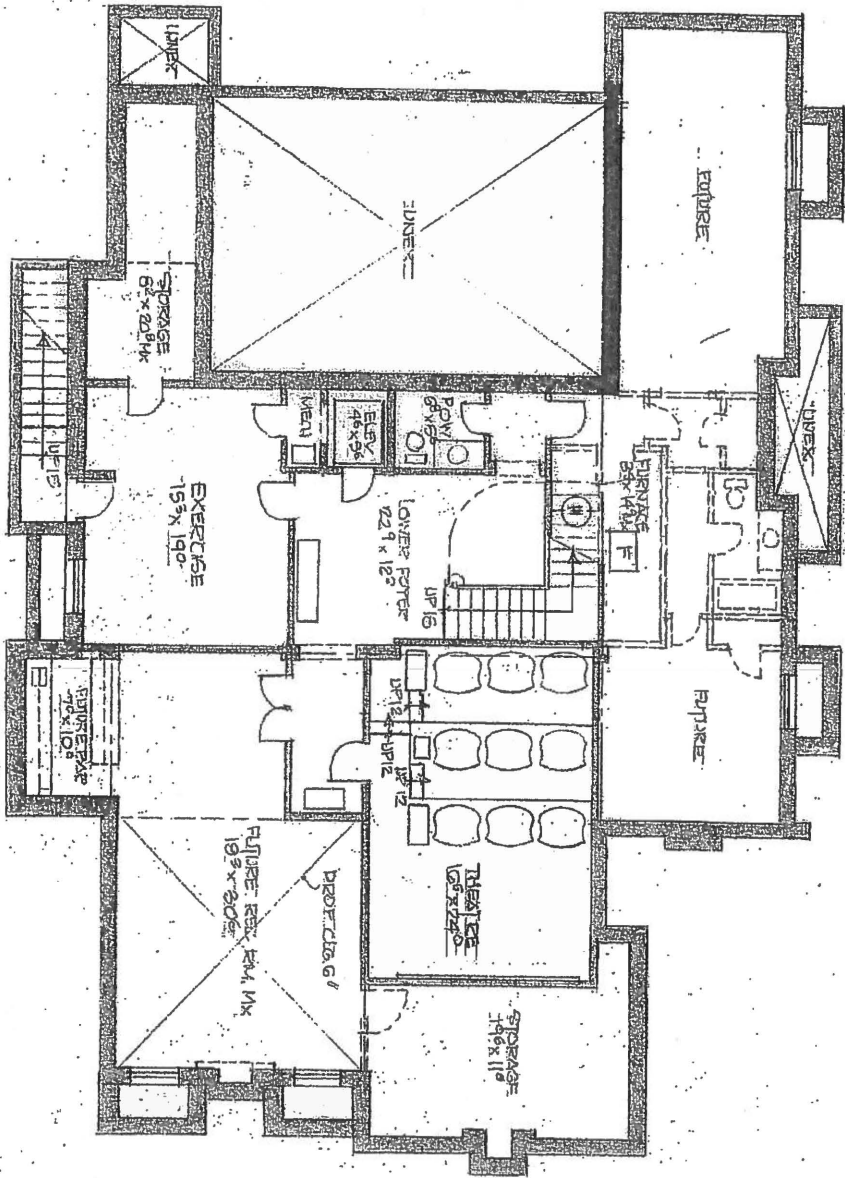
RIGHT ELEVATION



REAR ELEVATION

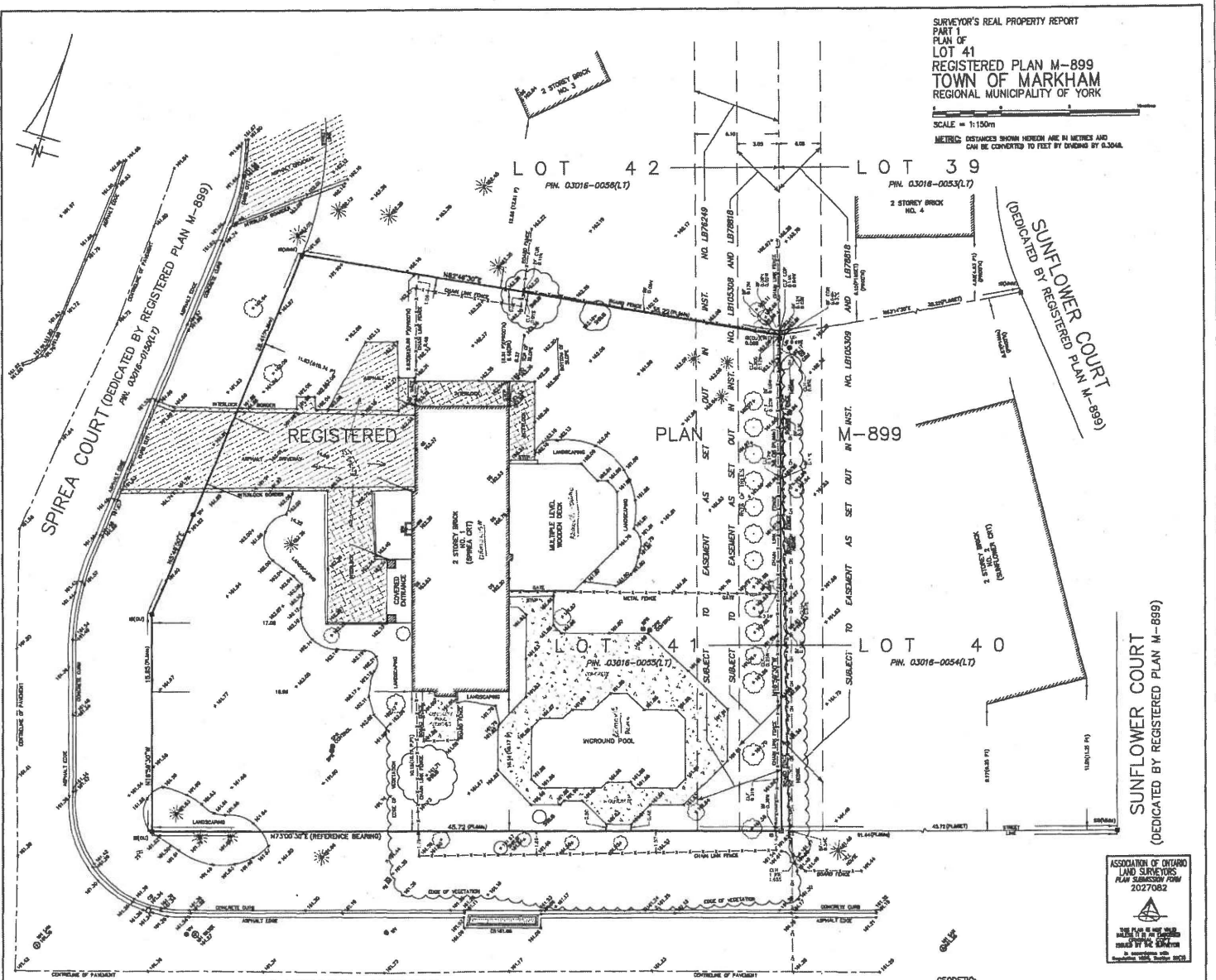


BASEMENT (3809#)



SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF
LOT 41
REGISTERED PLAN M-899
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE = 1:150m
METRIC DISTANCES SHOWN HEREON ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



DAFFODIL AVENUE (DEDICATED BY REGISTERED PLAN M-899)
PIN. 03018-0148(L1)

PART 2 - SURVEY REPORT

DESCRIPTION
MUNICIPALITY AS NO. 1 SPIREA COURT
LOT 41, REGISTERED PLAN M-899, TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
- REGISTERED EASEMENTS AND THE RIGHTS OF TENANT
SUBJECT TO EASEMENT AS SET OUT IN INSTRUMENT NO. L178249 AND
NO. L178248 OVER THE SUBJECT LANDS
- ZONING COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS
NO INVESTIGATION WITH RESPECT TO MUNICIPAL ZONING REQUIREMENT
HAD BEEN MADE IN CONNECTION WITH THIS REPORT
- ADDITIONAL REMARKS
MONUMENTS SHOWN AS "M1" ARE WITNESS MONUMENTS AND ARE NOT AT THE
PROPERTY CORNERS.
THE DISTANCES ARE AS SHOWN ON THE SURVEY PLAN

THIS REPORT WAS PREPARED FOR "G.D. BARNES LIMITED" AND GUIDO PAPA
SURVEYING - A DIVISION OF J.D. BARNES LIMITED ACCEPTS NO RESPONSIBILITY FOR
USE BY OTHER PARTIES.

NOTE:
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OR FOR ANY UNRELATED PURPOSES.
THIS REPORT REFLECTS CONDITIONS AT TIME OF SURVEY. UPDATING MAY BE REQUIRED
TO ISSUE ADDITIONAL COPIES SUBSEQUENT TO DATE OF SURVEYOR'S CERTIFICATE.

NOTE:
BEARINGS SHOWN HEREON ARE ASTROLOGICAL AND ARE REFERRED TO THE NORTHERLY
LIMIT OF DUFFON AVENUE AS SHOWN ON REGISTERED PLAN M-899, HAVING A
BEARING OF N73°07'30"E.

| # | BOXES | SURVEY MONUMENT FOUND | IN SAN | MARKER SURVEY |
|----|-------|---|--------|--------------------------|
| 01 | • | SURVEY MONUMENT PLANTED | UP | UTILITY POLE |
| 02 | • | STANDARD IRON NAIL | CG | COMMUNICATION BOX |
| 03 | • | IRON BAR | CH | CORNERLINE OF HEDGE |
| 04 | • | CONCRETE LABORATOR | CL | WATER VALVE |
| 05 | • | MEASURE | CO | CORNER |
| 06 | • | ON PRODUCTION | CS | CEILING ELEVATION |
| 07 | • | REGISTERED PLAN M-899 | NS | NORTH, SOUTH, EAST, WEST |
| 08 | • | SUBJECT TO EASEMENT | NSCW | OVERHEAD LINES |
| 09 | • | DAVID BART (EX. REG. NO. 22-23) | NS | DECIDUOUS TREES |
| 10 | • | PLAN OF SURVEY BY SURVEY ENGINEER, L.L.S. | NSA | CONIFEROUS TREES |
| 11 | • | CLASS SURVEY 5, 1984 | NS | |
| 12 | • | BOUND STAKE | NS | |
| 13 | • | CHAIN LINK FENCE | NS | |
| 14 | • | METAL FENCE | NS | |
| 15 | • | STEEL SIGN | NS | |
| 16 | • | SPRINKLER | NS | |
| 17 | • | FIRE HYDRANT | NS | |
| 18 | • | WOOD SIGN | NS | |
| 19 | • | WOOD SIGN | NS | |
| 20 | • | CATCH BASIN | NS | |

GEODETIC:
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED FROM THE TOWN OF
MARKHAM BENCHMARK NO. M-53-508 HAVING AN ELEVATION OF 108.225 METRES.

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEY ACT AND THE SURVEYORS ACT AND THE
REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE
28th DAY OF NOVEMBER, 2017.

DATE: DECEMBER 1, 2017
DACHA W. PAPA
ONTARIO/LAND SURVEYOR

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GRAPH BY: L.F. CHECKED BY: G.N.P. REFERENCE FILE: 17-18-898-00
P.L.D. 6/28/2017/17-18-898-00 DATE: 1/27/2017

