

Memorandum to the City of Markham Committee of Adjustment

June 5, 2018

File: A/64/18
Address: 17 Chiavatti Dr, Markham
Applicant: Deepka & Brij Sharma
Agent: Brij Sharma
Hearing Date: Wednesday June 13, 2018

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

The applicant is requesting relief from the following requirements of By-law 193-81, as amended:

- a) **Section 6.1c:**
a maximum lot coverage of 39.9 percent, whereas the Bylaw permits a maximum lot coverage of 25 percent; as it relates to an addition to an existing residential dwelling.

BACKGROUND

Property Description

The 1756.75 m² (18909.5 ft²) subject property is located on the south side of Chiavatti Drive, east of Kennedy road. The property is located within an established residential neighbourhood comprised of two-storey detached dwellings. There is an existing two storey detached 535.03 m² (5759 ft²) dwelling on the property, which according to assessment records was constructed in 2001. Mature vegetation exists across the rear of the property.

Proposal

The applicant is proposing an addition to the front (north) of the property and an indoor enclosed pool at the rear (south) of the property. The proposal also includes a six car tandem garage and a rear yard deck.

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 193-81

The subject property is zoned SUR3 'Suburban Residential Third Density' under By-law 193-81 as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to lot coverage.

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, *"required addition is greater than permitted lot coverage as indoor pool and bringing the house forward to match the neighbouring properties"*.

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Nevertheless, it remains 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 Lot Coverage

The applicant is requesting relief for a maximum lot coverage of 39.9 percent, whereas the By-law permits a maximum lot coverage of 25 percent. The increase in lot coverage is due to the two-storey addition to the north (front) of the subject dwelling and addition of a two-storey indoor pool at the south (rear) of the subject dwelling.

The two-storey addition proposed to the north of the existing detached dwelling adds approximately 164.53 m² (1771 ft²) to the overall building area and brings the structure approximately 7.0 m (23 ft) forward. Staff note that the existing dwelling sits further back to the dwelling to the east and, that the proposed extension will align the existing dwelling to the adjacent one. However, the proposed addition sits significantly in front of the dwelling to the west, due to the alignment of Alai Circle. Staff recognize the existing dwelling's unique location on the street and the Applicant has worked with Staff to incorporate additional design details to the dwelling's west elevation in an attempt to minimize its impacts (Appendix B).

The two-storey addition to the south (rear yard) of the existing dwelling of an indoor pool adds approximately 188.16 m² (2025.38 ft²) to the overall building area. The applicant is also proposing an addition of an uncovered rear yard deck with stairs. However, compliance with the By-law for the deck cannot be determined at this time.

Staff note a mature tree located along the west property boundary in proximity to the rear yard deck that should be preserved. Regard shall be had for retention of existing trees and vegetation and will be reviewed upon the submission of a Tree Preservation Plan, which is a recommended condition of any approval.

While the proposed additions significantly increase the size of the detached dwelling, the proposal meets the minimum side yard setback requirements of the by-law and exceeds the rear and front yard setbacks. Notwithstanding the Applicant has worked with Staff to soften the impact of the

exposed westerly elevations, staff note that the increased lot coverage of 39.9% would result in a dwelling with more lot coverage than the balance of the community.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 05, 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 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 232695 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/64/18

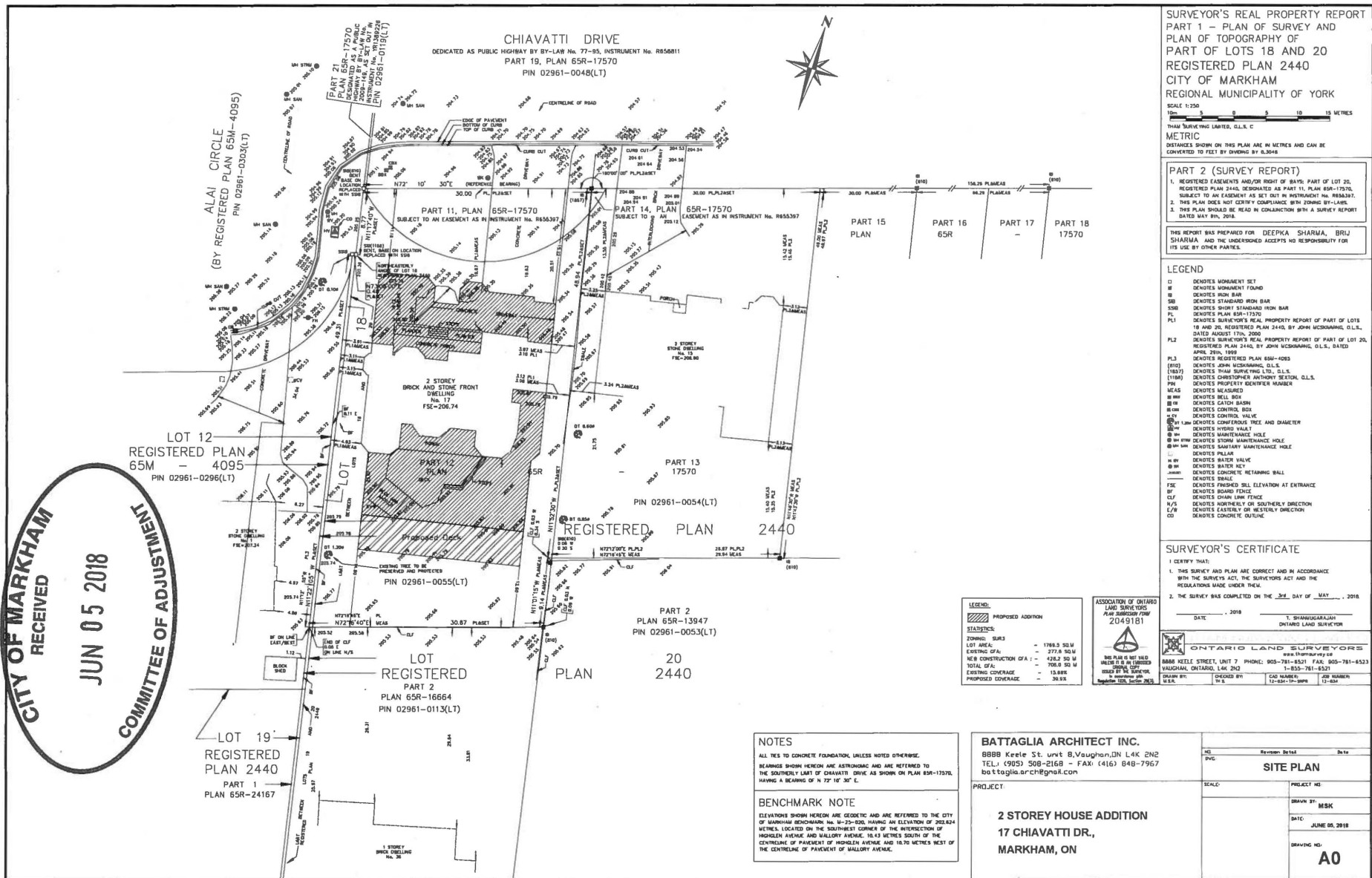
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and dated *June 05, 2018* and that the Secretary-Treasurer receive written 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;
6. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

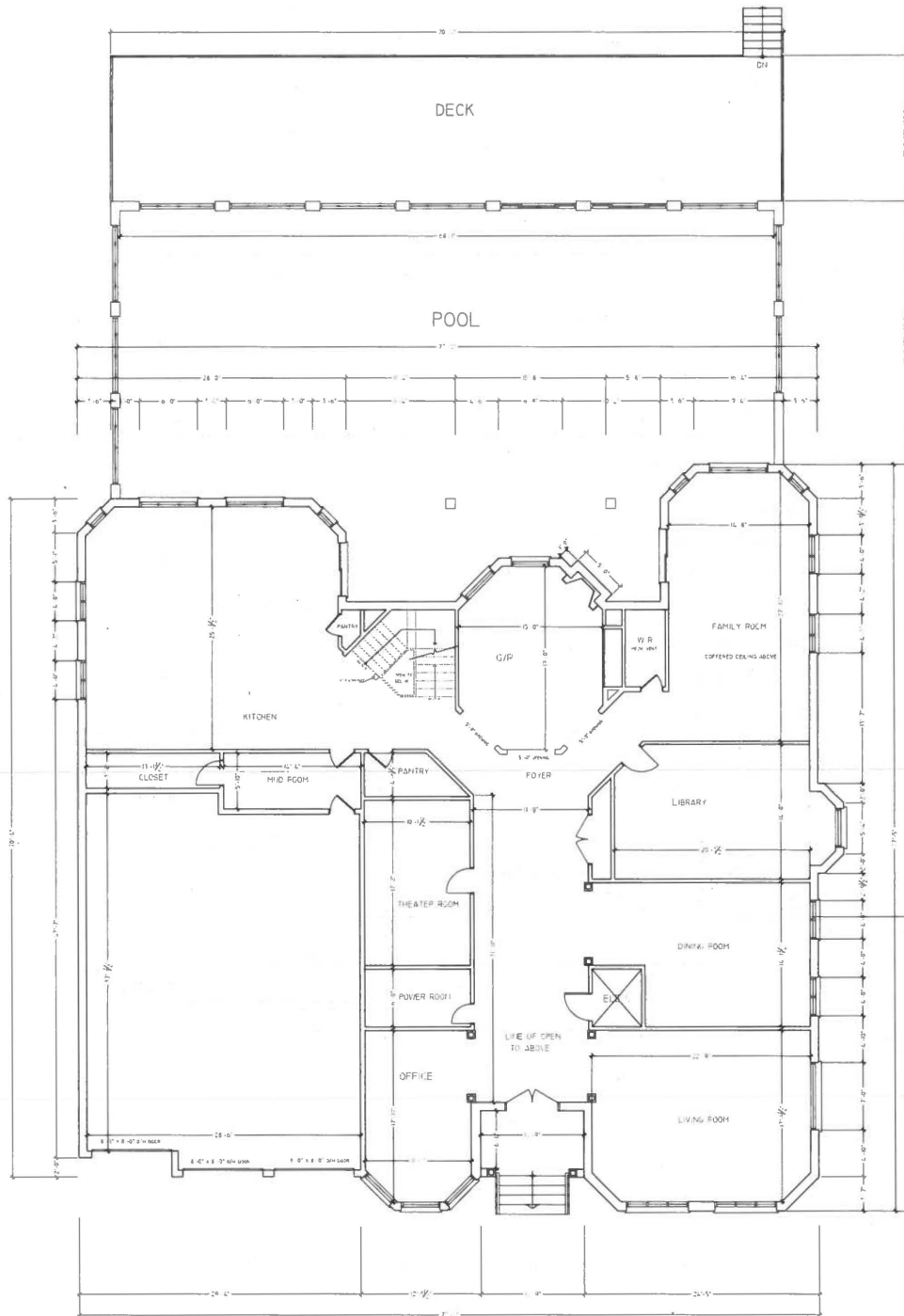
CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

APPENDIX B





FIRST FLOOR PLAN

NOTE:
LOT AREA : 19058 SQFT
LOT AREA : 1769.5 SQM

NOTE:
BUILDING AREA : 706.06 SQFT
BUILDING COVERAGE : 59.9%

BATTAGLIA ARCHITECT INC.
8888 Keele St. Unit B, Vaughan, ON L4K 2N2
TEL: (905) 388-2168 - FAX: (416) 848-7967
battagliaarch@gmail.com

PROJECT:

**2 STOREY HOUSE ADDITION
17 CHIAVATTI DR.,
MARKHAM, ON**

Revision Detail		Rev
NO.	DESCRIPTION	DATE
FIRST FLOOR PLAN		
SCALE:	PROJECT NO:	
	DRAWN BY: MSK	
	DATE: JUNE 08, 2010	
	DRAWING NO: A1	



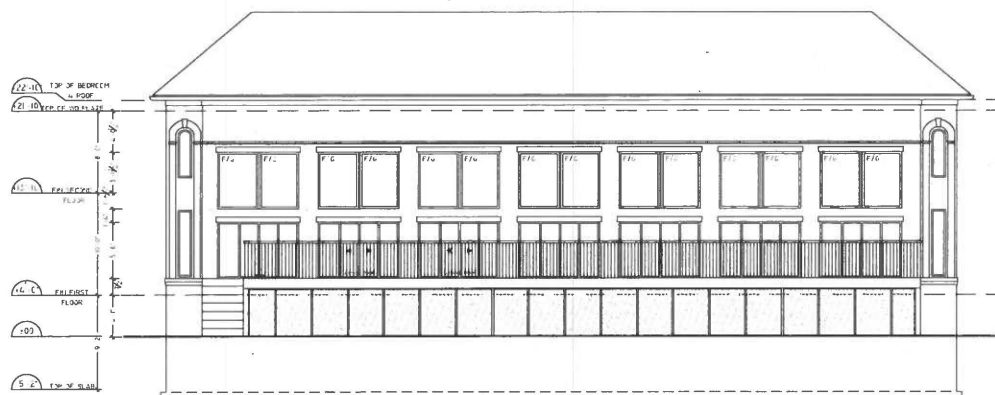
WEST ELEVATION

BATTAGLIA ARCHITECT INC. 8888 Keele St. unit 8, Vaughan, ON L4K 2N2 TEL: (905) 508-2168 ~ FAX: (416) 848-7967 battaglia.arch@gmail.com		NO: _____ DATE: _____ DRAWN BY: MSK DATE: JUNE 08, 2018 DRAWING NO: A6
PROJECT:	SCALE:	PROJECT NO:
2 STOREY HOUSE ADDITION 17 CHIAVATTI DR., MARKHAM, ON		



EAST ELEVATION

BATTAGLIA ARCHITECT INC. 8888 Keele St. unit B, Vaughan, ON L4K 2N2 TEL: (905) 508-2168 - FAX: (416) 848-7967 battaglia.arch@gmail.com		NO: _____ DWG: _____ EAST ELEVATION
PROJECT: 2 STOREY HOUSE ADDITION 17 CHIAVATTI DR., MARKHAM, ON	SCALE: _____ PROJECT NO: _____	DRAWN BY: MSK
		DATE: JUNE 08, 2018
		DRAWING NO: A5



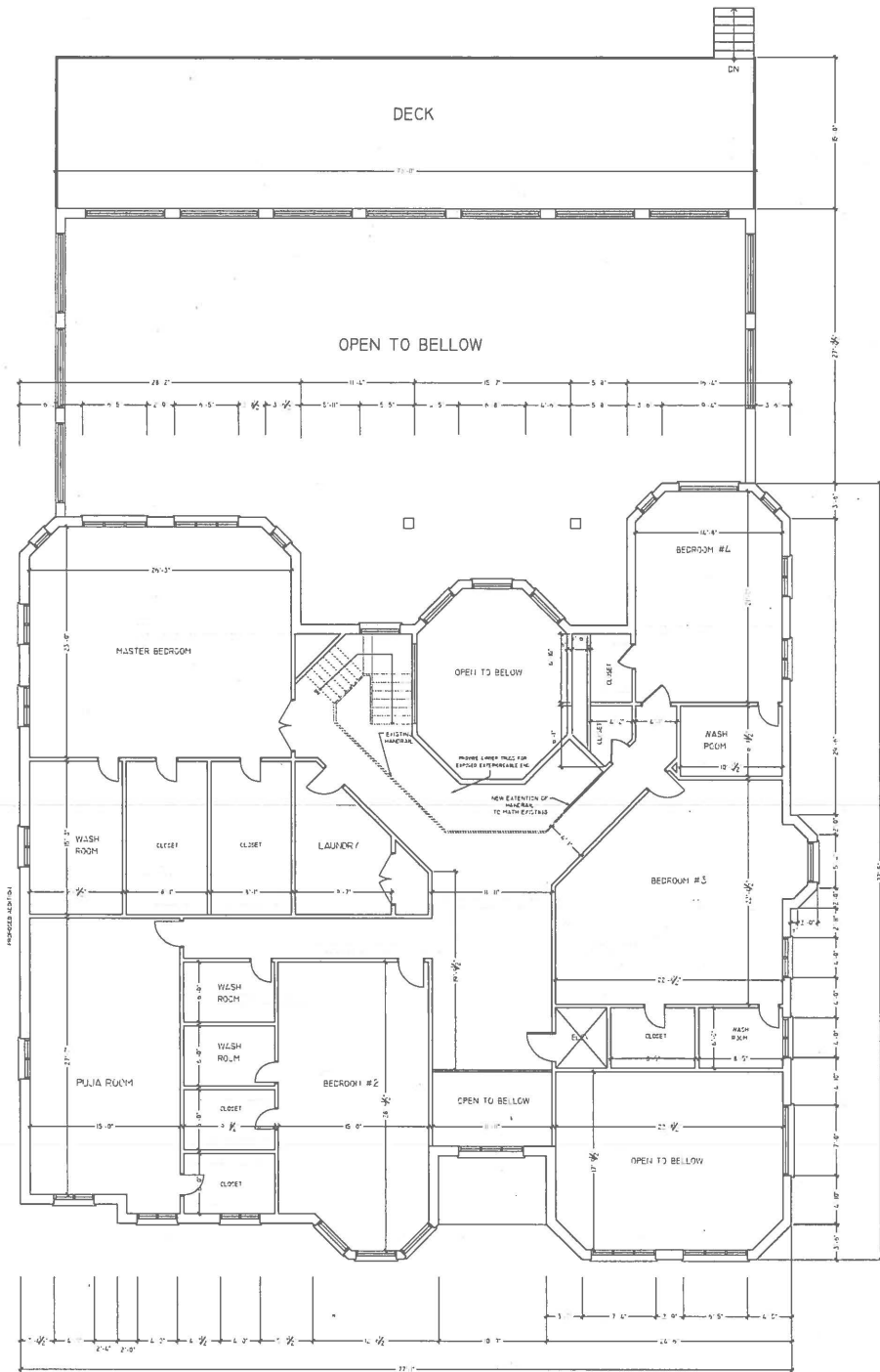
BACK(SOUTH) ELEVATION

BATTAGLIA ARCHITECT INC. 8888 Keele St. unit B.Vaughan, ON L4K 2N2 TEL: (905) 508-2168 ~ FAX: (416) 848-7967 battaglia.arch@gmail.com		NO. _____ Revision Detail _____ Date _____ DWG. SOUTH ELEVATION	
PROJECT:		SCALE:	PROJECT NO:
2 STOREY HOUSE ADDITION 17 CHIAVATTI DR., MARKHAM, ON			DRAWN BY: MSK DATE: JUNE 05, 2018 DRAWING NO: A4



FRONT (NORTH) ELEVATION

BATTAGLIA ARCHITECT INC. 8888 Keele St. unit B, Vaughan, ON L4K 2N2 TEL: (905) 508-2168 - FAX: (416) 848-7967 battaglia.arch@gmail.com		NO. Revision Detail Date 001 NORTH ELEVATION	
		SCALE:	PROJECT NO:
2 STOREY HOUSE ADDITION 17 CHIAVATTI DR., MARKHAM, ON			DRAWN BY: MSK
			DATE: JUNE 08, 2018
			DRAWING NO: A3



SECOND FLOOR PLAN

NOTE
LOT AREA : 19358 SQFT
LOT AREA : 1759.5 SQM

NOTE
BUILDING AREA : 706.05 SQFT
BUILDING COVERAGE : 35.9%

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battaglia.arch@gmail.com

PROJECT:

**2 STOREY HOUSE ADDITION
17 CHIAVATTI DR.,
MARKHAM, ON**

NO. Revision Detail Date
PAGE: **SECOND FLOOR PLAN**

SCALE: PROJECT NO:
DRAWN BY: MSK
DATE: JUNE 05, 2018
DRAWING NO: **A2**