

Memorandum to the City of Markham Committee of Adjustment

June 28, 2019

File: A/66/19
Address: 12 Paradise Avenue Markham
Applicant: Antionetta Vigliatore
Agent: Gregory Design Group
Hearing Date: Wednesday July 24, 2019

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

The applicant is requesting relief from the following Residential (R1) zone requirements of By-law 1229, as amended, as they relate to a proposed bungalow, to permit:

a) Section 11.1: Front Yard Setback

A minimum front yard setback of 22.96 ft (7.00 m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m);

b) Section 11.1: Lot Coverage

a maximum lot coverage of 44.2 percent, whereas the By-law permits a maximum lot coverage of 35 percent; and

c) Infill By-law 99-90, Section 1.2 (iii): Building Depth

a maximum building depth of 18.8 metres (61.68 ft), whereas the By-law permits a maximum building depth of 16.8 metres (55.12 ft).

BACKGROUND

Property Description

The 713.9 m² (7,864.35 ft²) subject property is located on the west side of Paradise Avenue, which is east of Main Street Markham South and south of Highway 7 East. There is an existing one-storey detached dwelling on the property, which according to assessment records was constructed in 1955. Mature vegetation exists across the front and rear of the property. The property is located within a residential neighbourhood comprised of one and two-storey detached dwellings.

Proposal

The applicant is proposing to construct a new 293.6 m² (3160 ft²) one storey, single detached dwelling on the subject property. The dwelling includes an attached two-car garage and has a covered front porch. The submitted plans of the proposed dwelling are attached as Appendix 'A'.

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, *"to construct a new frame bungalow"*.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Ultimately it is 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 variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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 Depth

The applicant is requesting a maximum building depth of 18.8 m (61.67ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This is an increase of 2 m (6.56 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling nearest and the other through the point on the dwelling farthest from the front lot line. The building depth variance can be partly attributed to the projection of the covered front porch and attached two car garage at the front of the proposed dwelling. The porch adds 1.98 m (6.5 ft), with the garage projecting an additional 1.21 m (4 ft). Staff note that the proposed 1.21 m garage projection complies with Infill By-law 99-90 which permits a maximum projection of 2.1 m (6.9 ft). Given that the proposed dwelling is one-storey in height, staff are of the opinion that the increased building depth will not be of any significant impact to abutting properties.

Increase in Maximum Lot Coverage

The applicant is requesting a maximum lot coverage of 44.2%, whereas the By-law permits a maximum floor area ratio of 35%. The proposed lot coverage includes the front covered porch which adds approximately 21.36 m² (230 ft²) to the overall building area. Excluding the front covered porch, the building has a lot coverage of 41.2 percent and represents a 6.2 percent increase from what the By-law permits. The proposed bungalow also maintains all side and rear yard setbacks retaining sufficient green space on the property. Given the front covered porch is unenclosed, staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 22.96 ft (7 m), whereas the By-law requires a minimum front yard setback of 25 ft (7.62 m). This represents a reduction of approximately 6.69 ft (2.04 m). Similar to the building depth variance, the reduced front yard is attributed to the placement of the attached two car garage and unenclosed front covered porch. While these features of the proposed one-storey dwelling will project beyond existing front yards of adjacent homes, staff do not anticipate any impact associated with the reduced setback for the covered porch and slight projection of the garage.

PUBLIC INPUT SUMMARY

One written letter of support has been received as of Thursday July 11th, 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 "B" for conditions to be attached to any approval of this application.

PREPARED BY:



François Hémon-Morneau, Development Technician

REVIEWED BY:



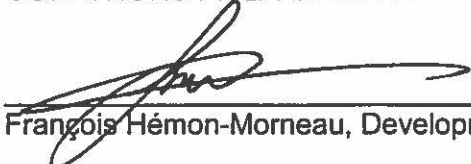
Stephen Corr, Senior Planner, East District

APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/66/19

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 June 26, 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:


François Hémon-Morneau, Development Technician