

Memorandum to the City of Markham Committee of Adjustment

June 18, 2018

File: A/68/18
Address: 34 Loweswater Avenue, Markham
Applicant: Jie Zhang
Agent: Yujia Hu
Hearing Date: Wednesday June 27, 2018

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

The applicant is requesting relief from the following requirements of By-law 118-79, as amended:

- a) **Amending By-law 118-79, Section 7.2 (c)**
a maximum lot coverage of 35.2 percent, whereas the By-law permits a maximum lot coverage of 33-1/3 percent; as it relates to a proposed front porch.

BACKGROUND

Property Description

The 530.4 m² (5709.5 ft²) subject property is located on the west side of Loweswater Avenue, south of 16th Avenue. The property is located within an established residential neighbourhood comprised of a mix two-storey detached and semi-detached dwellings. There is an existing two-storey detached 248 m² (2670 ft²) dwelling on the property, which according to assessment records was constructed in 1986.

Proposal

The applicant is proposing renovations which include the demolition of the existing front porch and construction a new front porch to the east of the detached dwelling.

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 118-79

The subject property is zoned R8 'Eight Density – Single Family Residential' under By-law 118-79 as amended, which permits one single family or semi-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, *"the owner would like to have a new entrance to have a front porch and the proposed lot coverage is larger than the maximum coverage permitted"*.

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Consequently, 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 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 35.2 percent, whereas the By-law permits a maximum lot coverage of 33-1/3 percent. The proposed lot coverage includes an unenclosed front covered porch which adds approximately 9 m² (76.96 ft²) to the overall building area. Excluding the front covered porch, the building with the proposed addition has a lot coverage of approximately 33-1/2 percent. Given that the front covered porch is unenclosed, that the proposal is generally consistent with the front yard setback pattern on the street and doesn't project in front of the existing garage, staff are of the opinion that the proposed increase in lot coverage will not create adverse impacts.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 18th, 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.

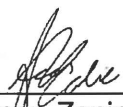
CONCLUSION

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 233321 \Documents\District Team Comments Memo

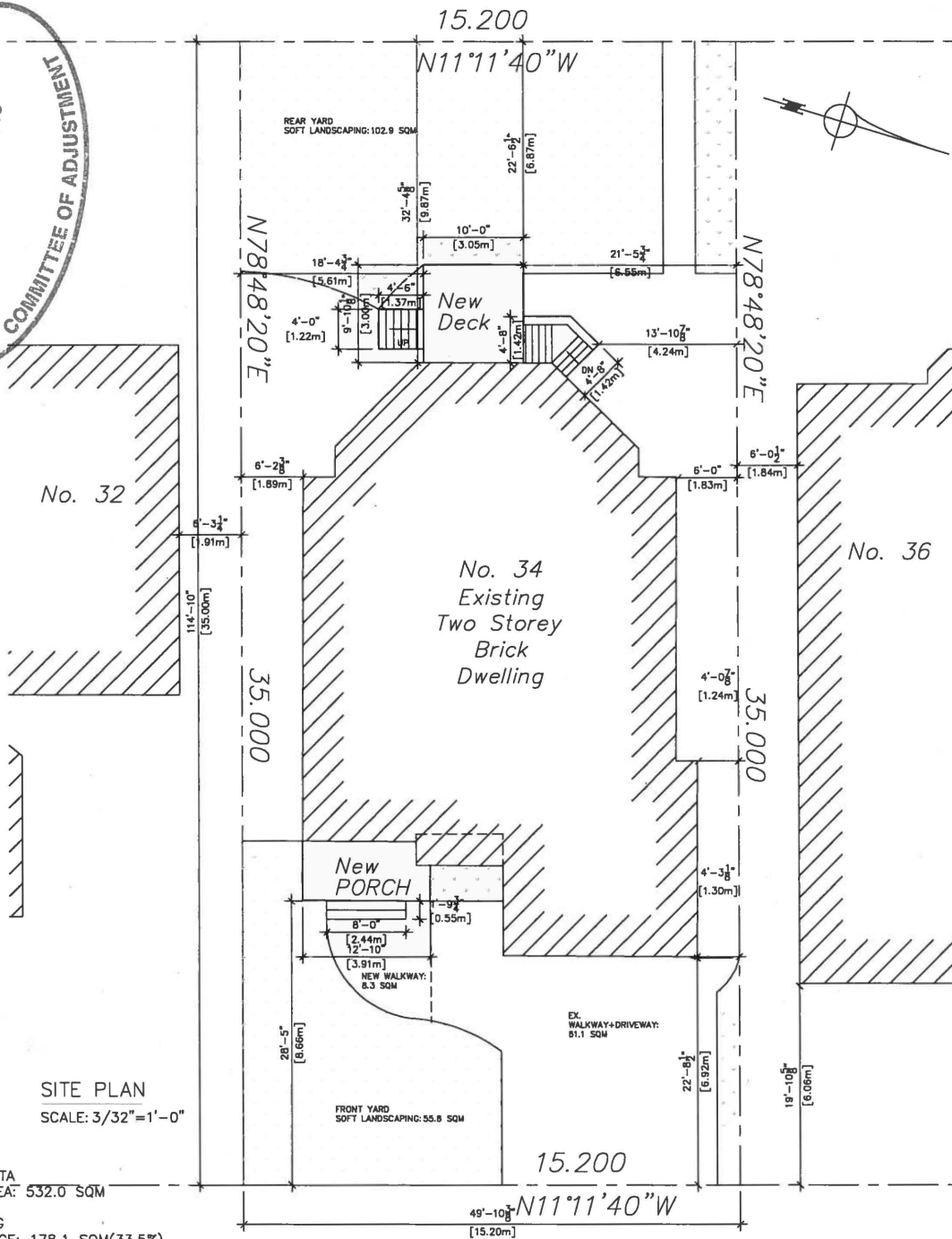
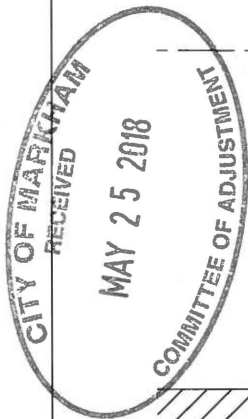
APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/68/18

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 received by the City of Markham on *May 25 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 tree protection fencing be erected and inspected in accordance with the City's Streetscape Manual (2009), as amended, 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



SITE PLAN
SCALE: 3/32"=1'-0"

SITE DATA
LOT AREA: 532.0 SQM

EXISTING
COVERAGE: 178.1 SQM(33.5%)
TOTAL LIVING AREA: 273.9 SQM
D(FSI):0.51

FRONT SETBACK: 6.92M (NO CHANGE) PROPOSED
REAR SETBACK: 9.87M (NO CHANGE) COVERAGE: 187.2 SQM(35.2%)
NORTH SETBACK: 1.24M (NO CHANGE) TOTAL LIVING AREA: 276.0 SQM
SOUTH SEBACK: 1.82M (NO CHANGE) D(FSI):0.52

FRONT YARD AREA: 132.0 SQM
REAR YARD AREA: 167.7 SQM

DECK: 10 SQM
PORCH: 9 SQM

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23 CANHAM CRES.
TORONTO, ON M1S 2H7
T: 416-299-8837
LHW.ENGINEERING@GMAIL.COM

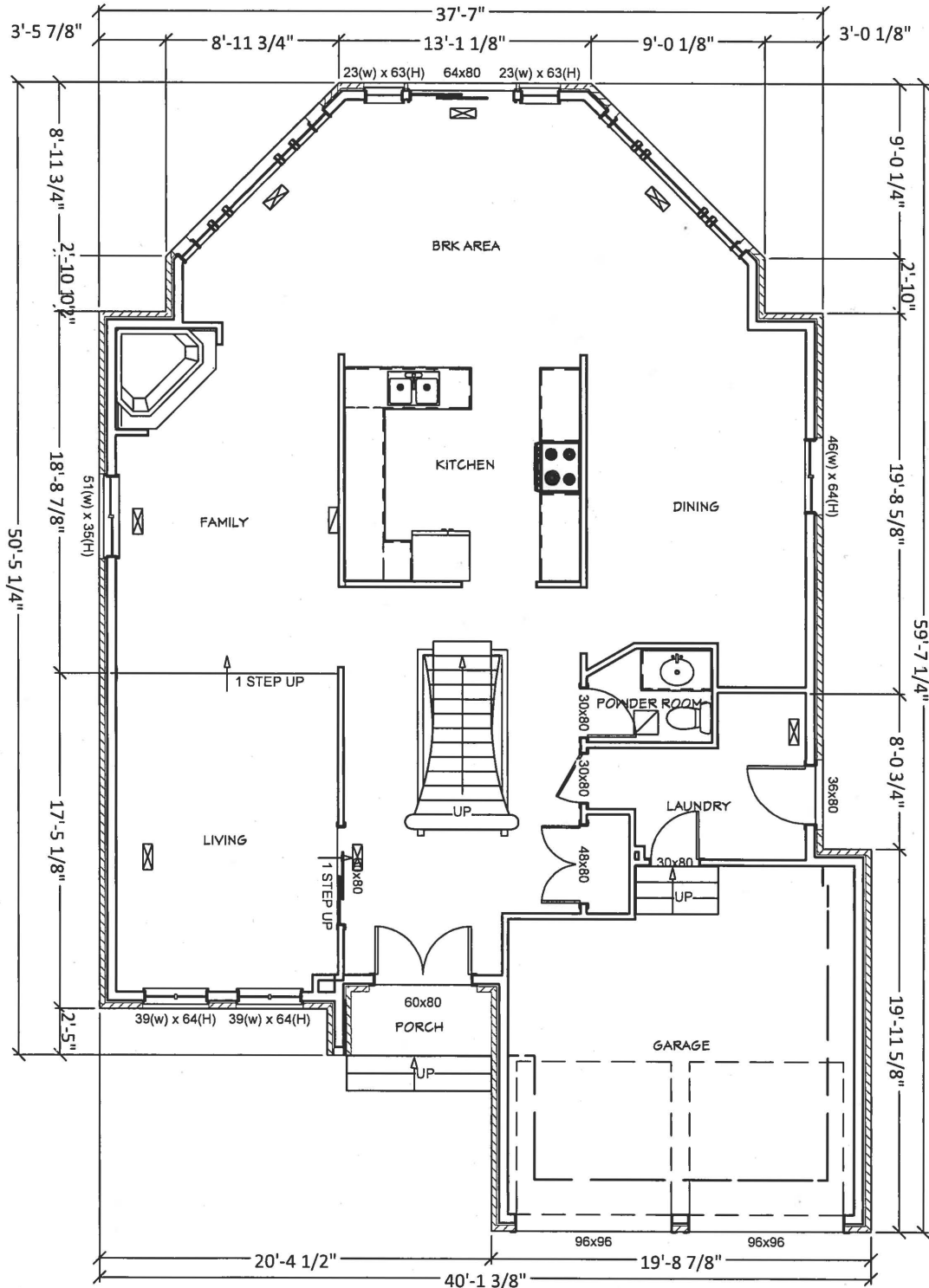


No.	Revision / Issue
1	
2	
3	
4	

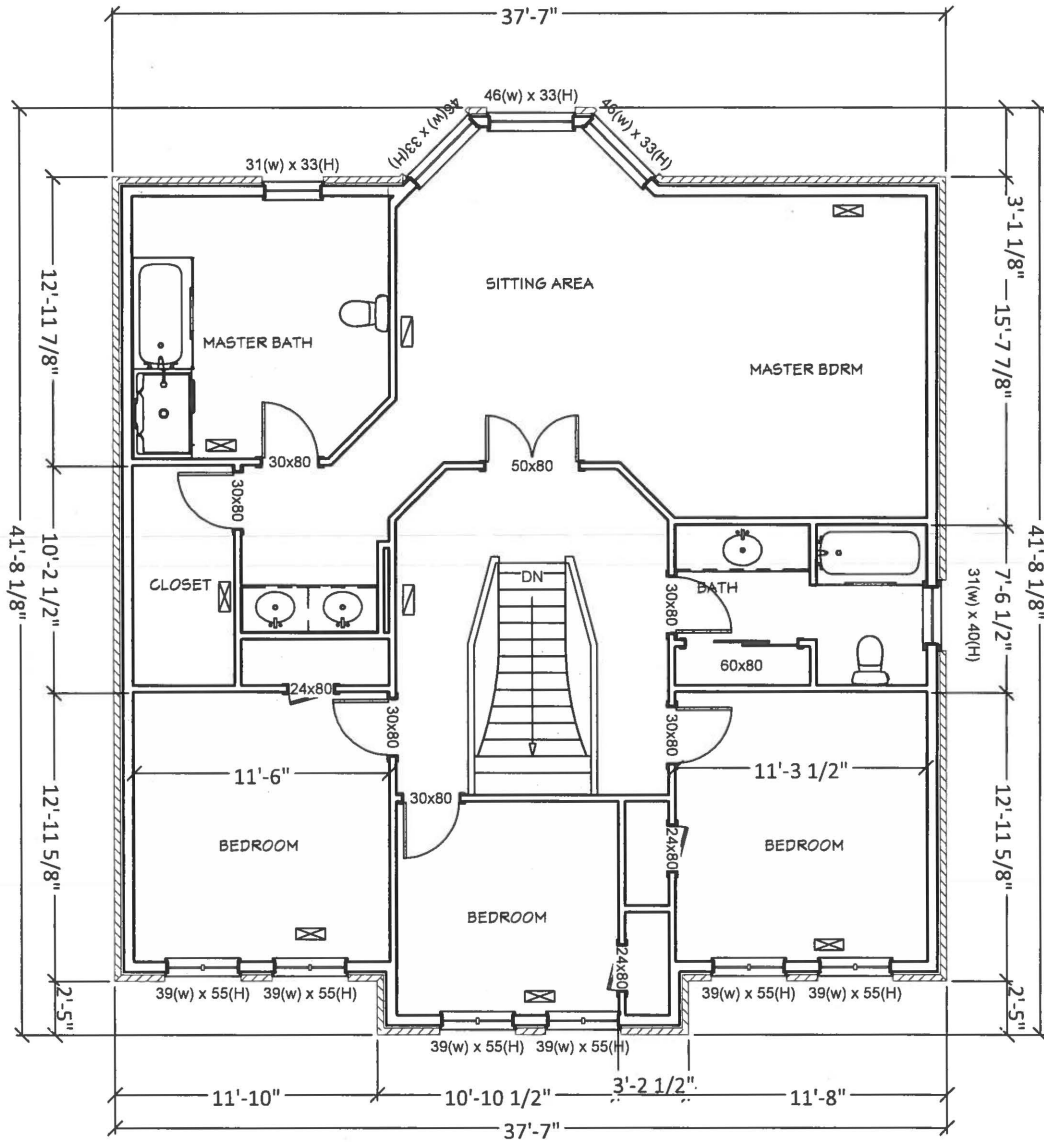
PROJ. TITLE
34 LOWESWATER AVE
INTERIOR ALTERATION, NEW DECK, NEW
WALKOUT & NEW PORCH
DWG. TITLE
SITE PLAN

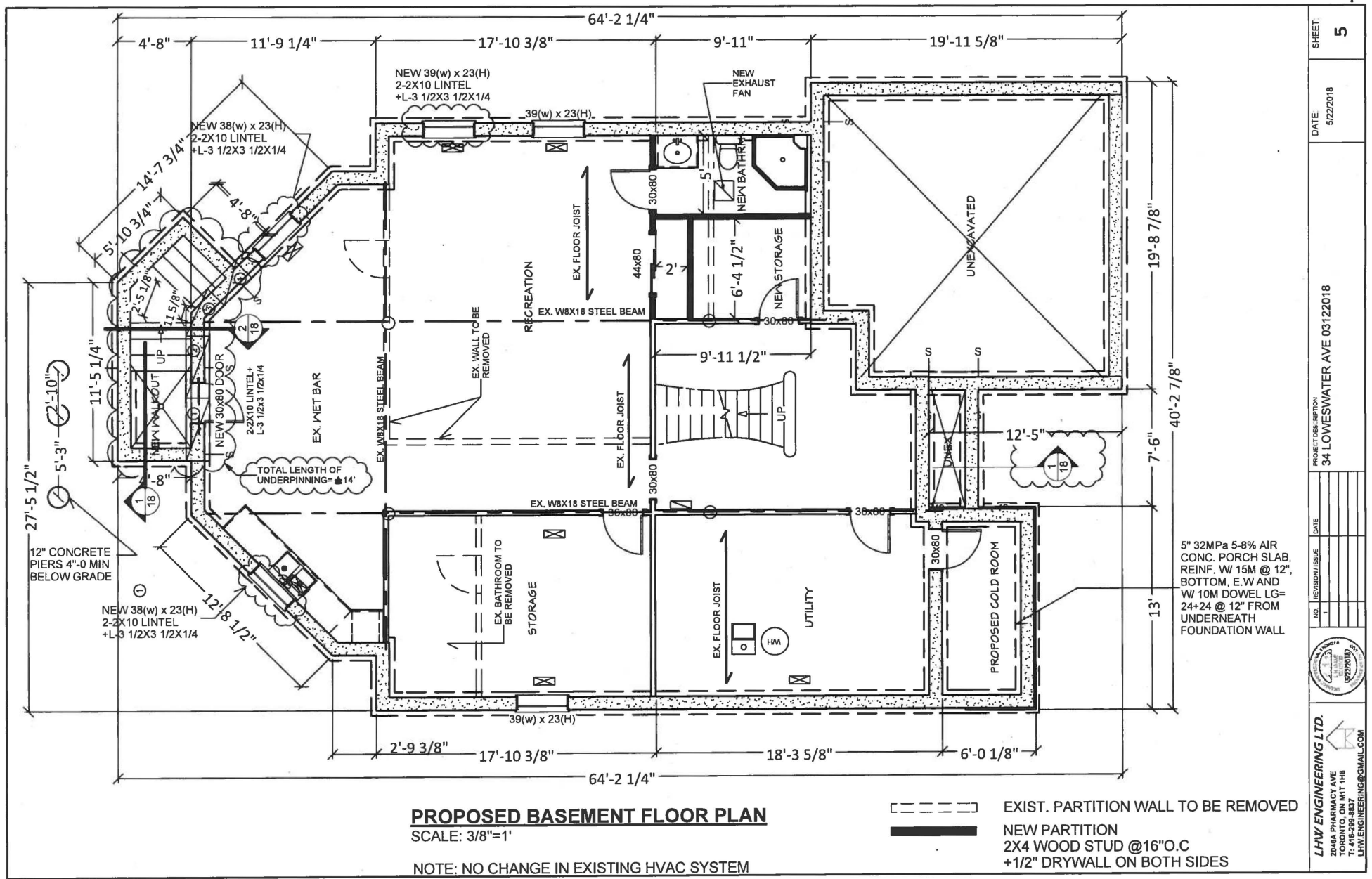
DATE MAR, 2018	DRAWN BY YH
SCALE AS SHOWN	CHECKED BY BW
PROJ. NO	DWG. NO 01

EXISTING MAIN FLOOR PLAN
SCALE: 3/8"=1'



EXISTING SECOND FLOOR PLAN
SCALE: 3/8"=1'

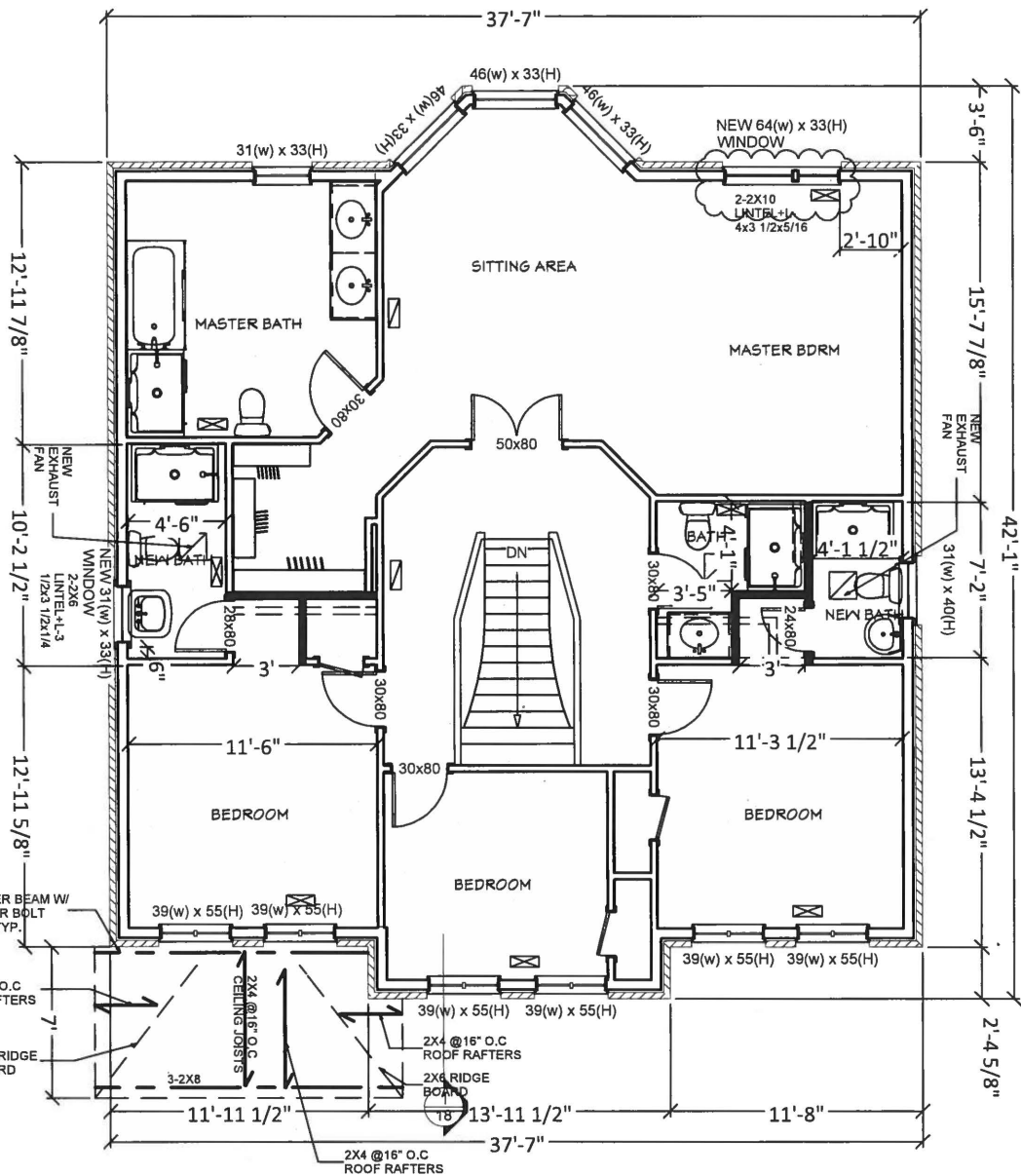






PROPOSED SECOND FLOOR PLAN
 SCALE: 3/8"=1'
 NOTE: NO CHANGE IN EXISTING HVAC SYSTEM

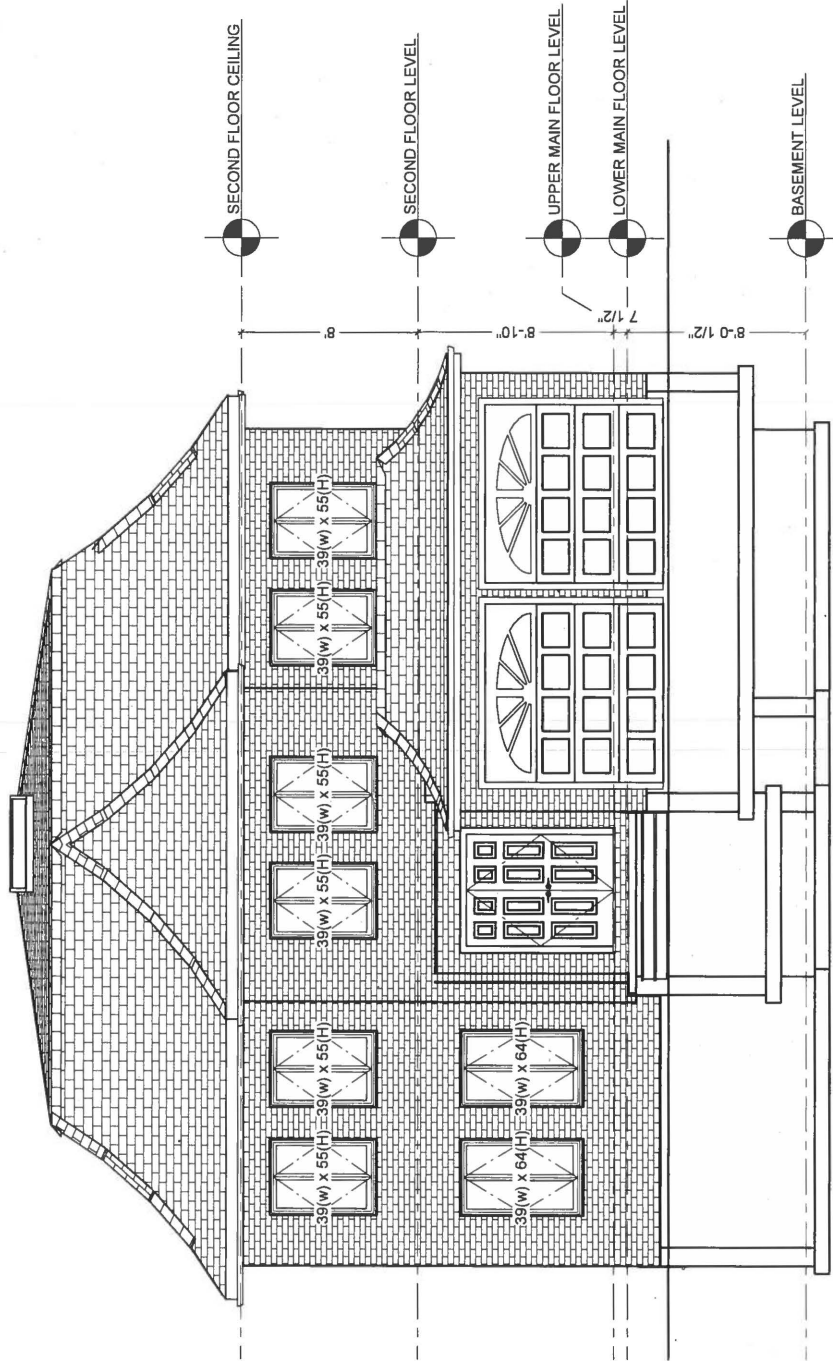
EXIST. PARTITION WALL TO BE REMOVED
 NEW PARTITION
 2X4 WOOD STUD @16"O.C
 +1/2" DRYWALL ON BOTH SIDES





NO.	REVISION/ISSUE	DATE
1		

PROJECT DESCRIPTION
 34 LOWESWATER AVE 03122018



EXIST FRONT ELEVATION
 SCALE: 3/16"=1'

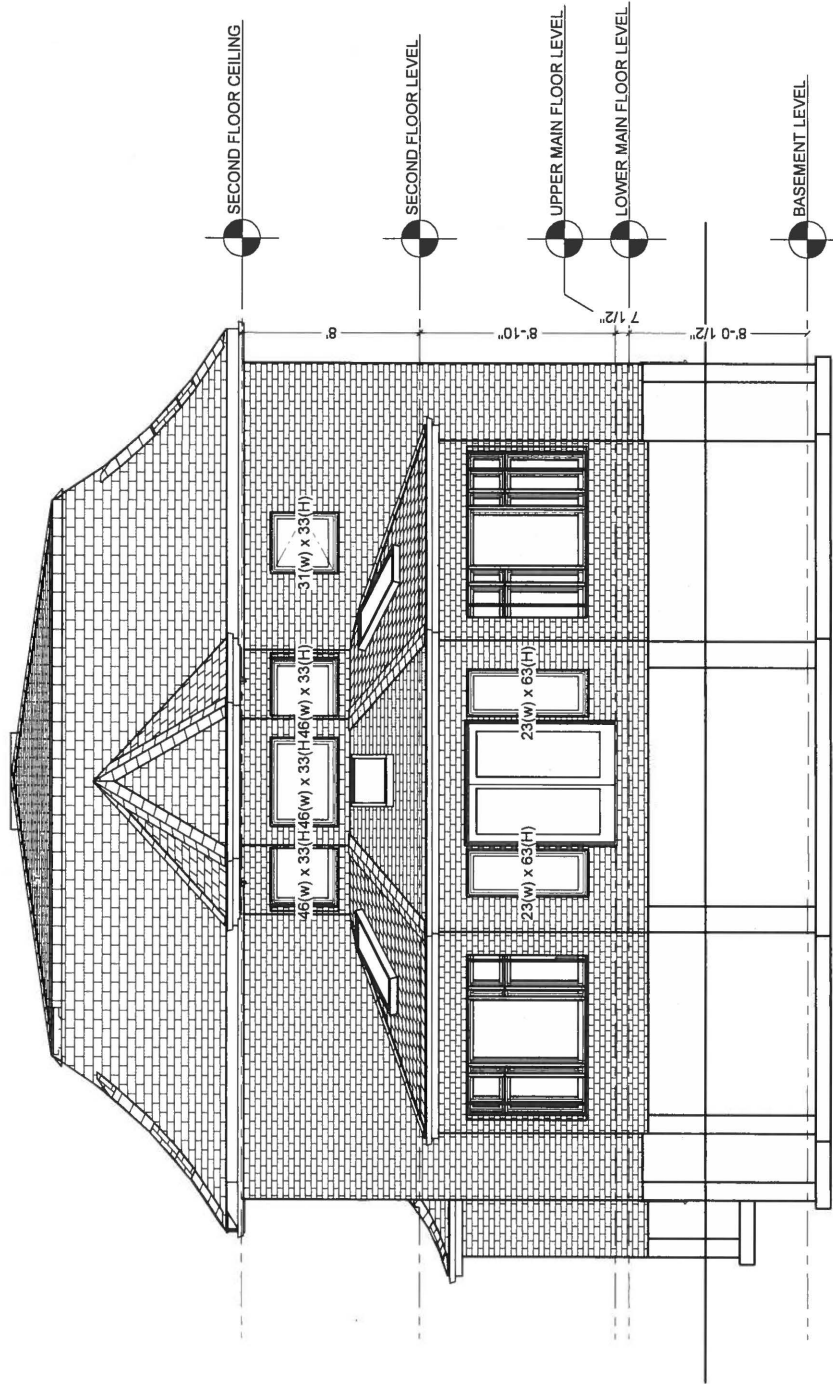


NO.	REVISION / ISSUE	DATE
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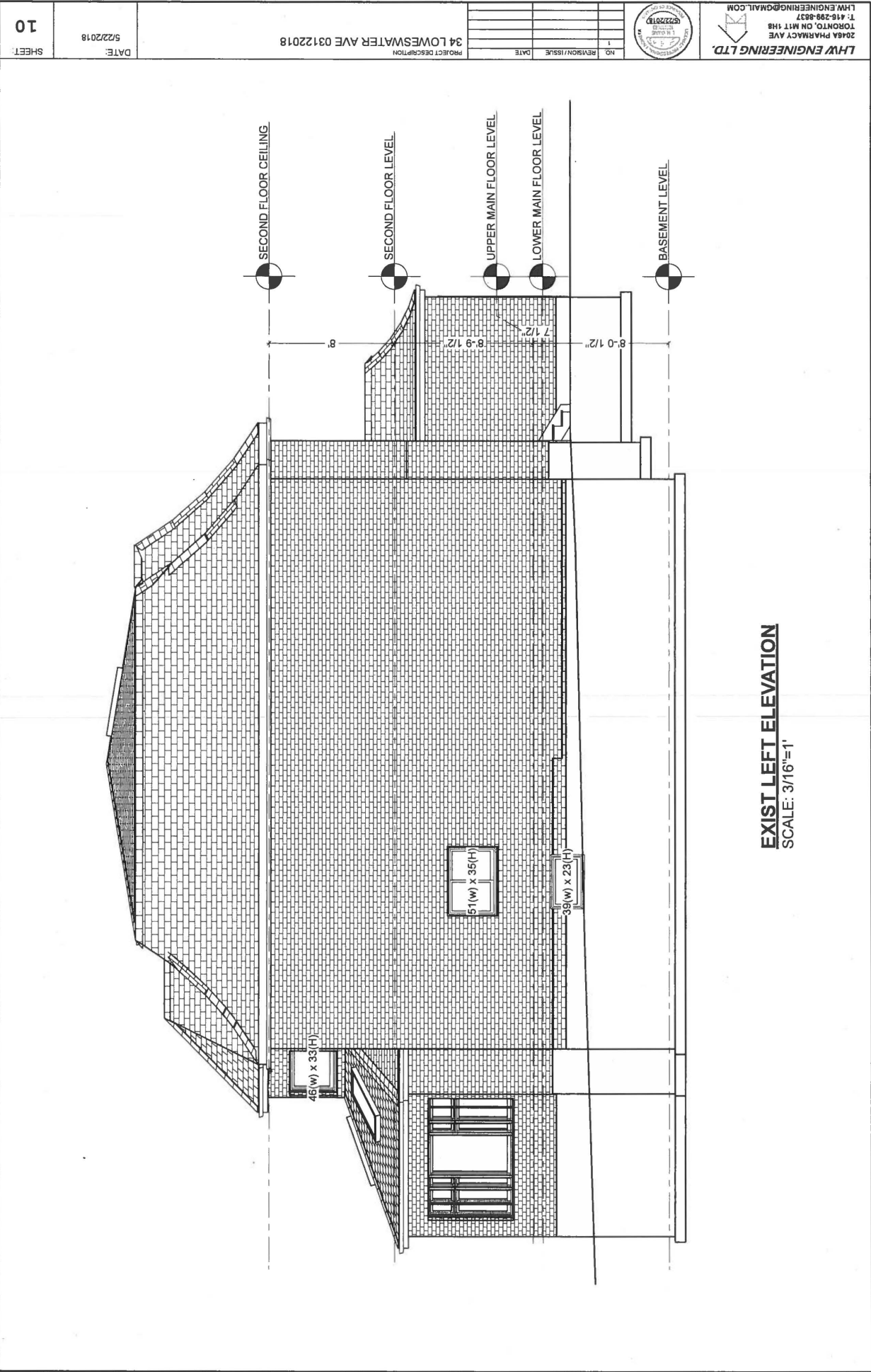
PROJECT DESCRIPTION
34 LOWESWATER AVE 03/22/2018

DATE
5/22/2018

SHEET:
9



EXIST REAR ELEVATION
SCALE: 3/16"=1'



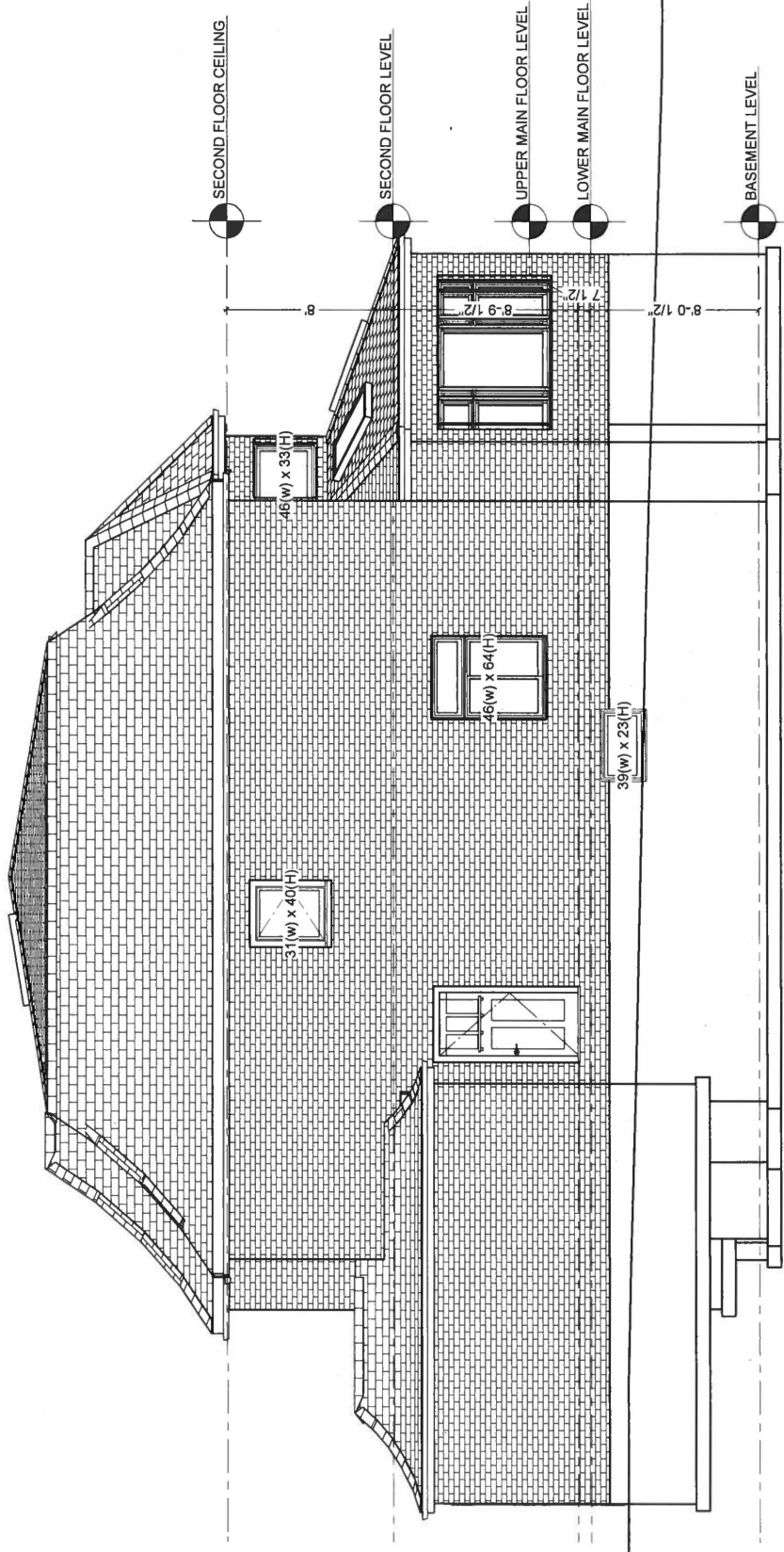


NO.	REVISION/ISSUE	DATE
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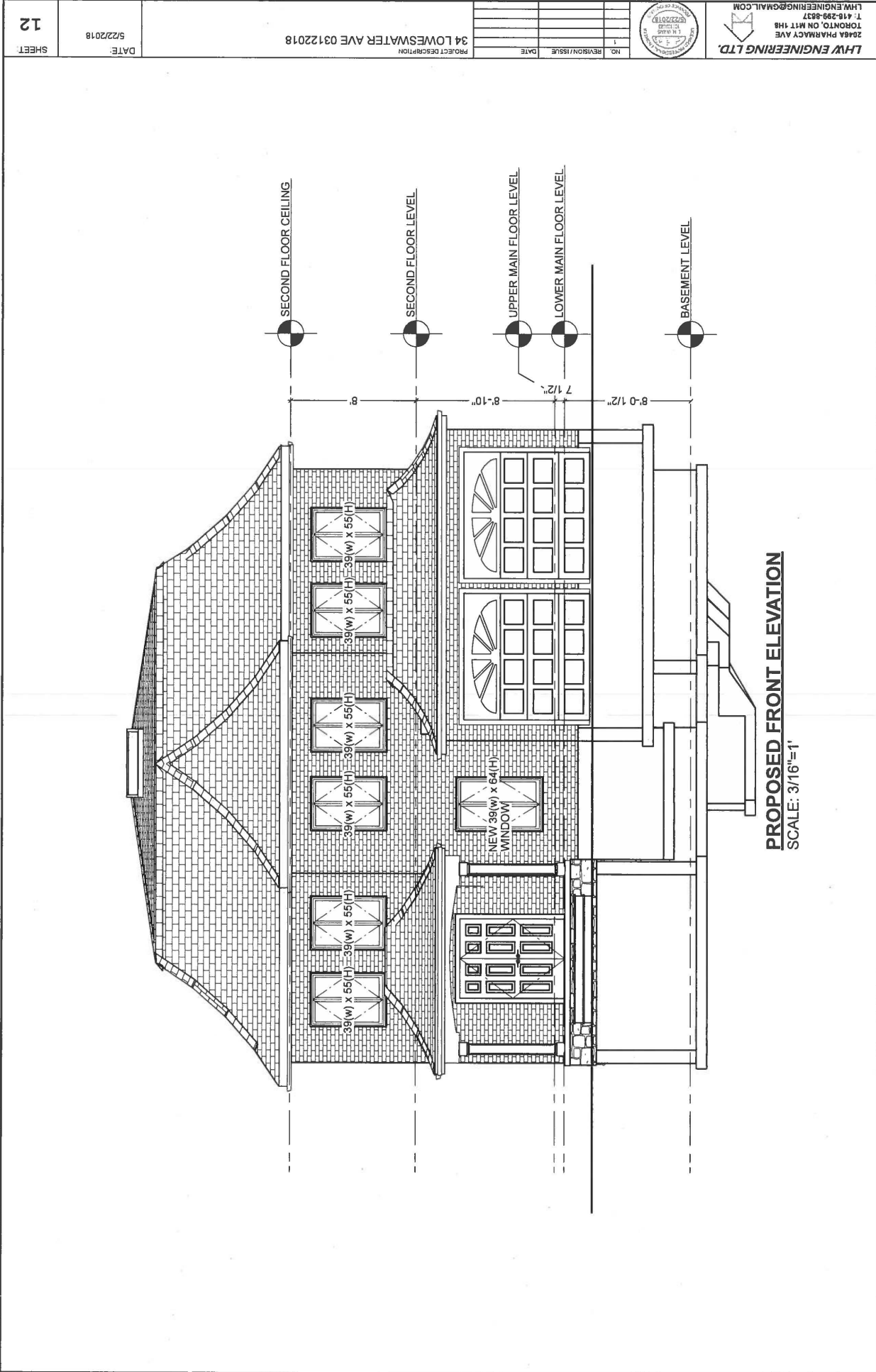
PROJECT DESCRIPTION
 34 LOWESWATER AVE 03122018

DATE:
 5/22/2018

SHEET:
 11



EXIST RIGHT ELEVATION
 SCALE: 3/16"=1'



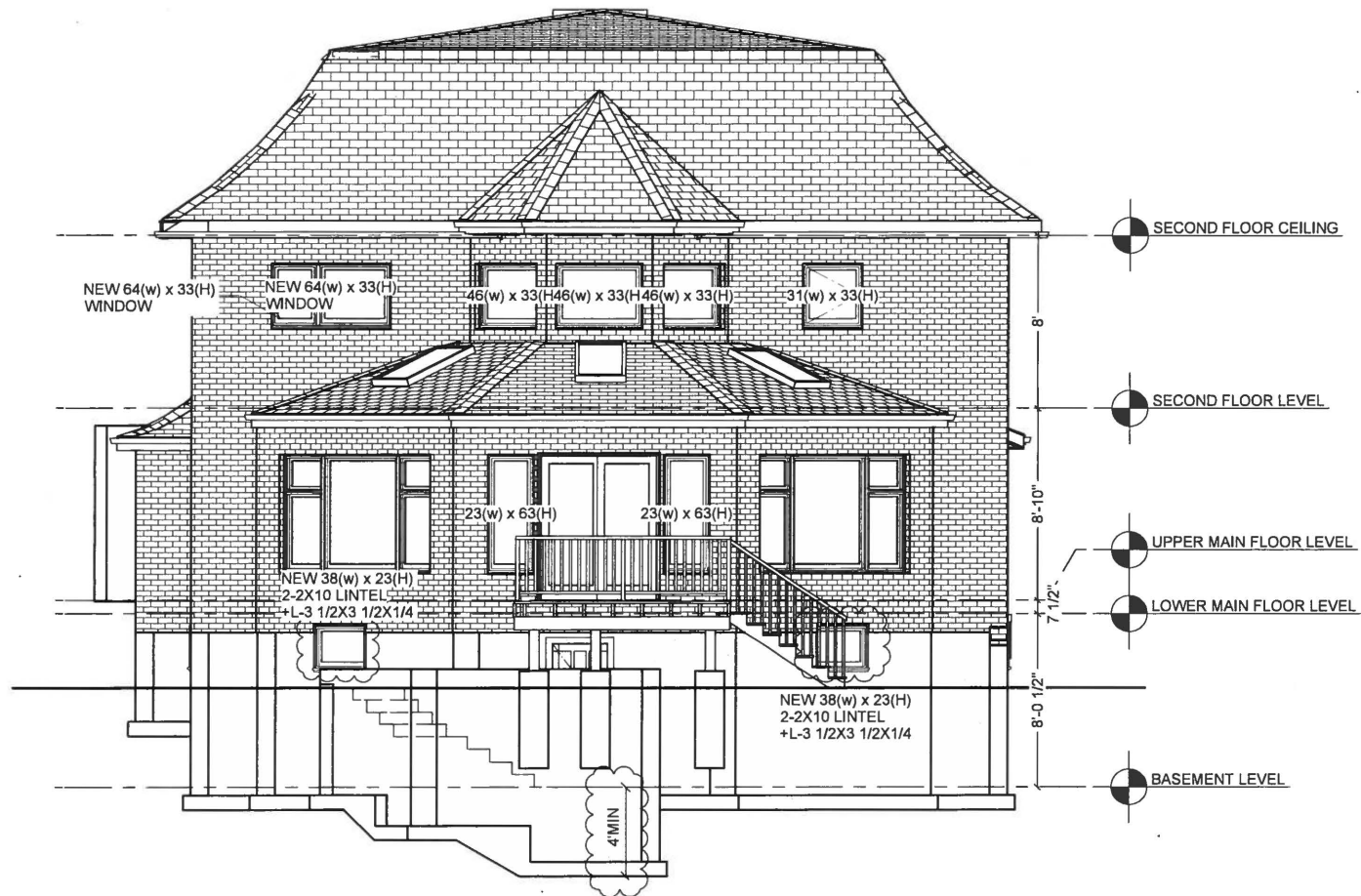
PROPOSED FRONT ELEVATION
 SCALE: 3/16"=1'



LHW ENGINEERING LTD.
 20484 PHARMACY AVE
 TORONTO, ON M1T 1H8
 T: 416-299-8837
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NO.	REVISION/ISSUE	DATE
1		

PROJECT DESCRIPTION
 34 LOWESWATER AVE 03122018



PROPOSED REAR ELEVATION
SCALE: 3/16"=1'

SHEET: 13

DATE: 5/22/2018

PROJECT DESCRIPTION
34 LOWESWATER AVE 03122018

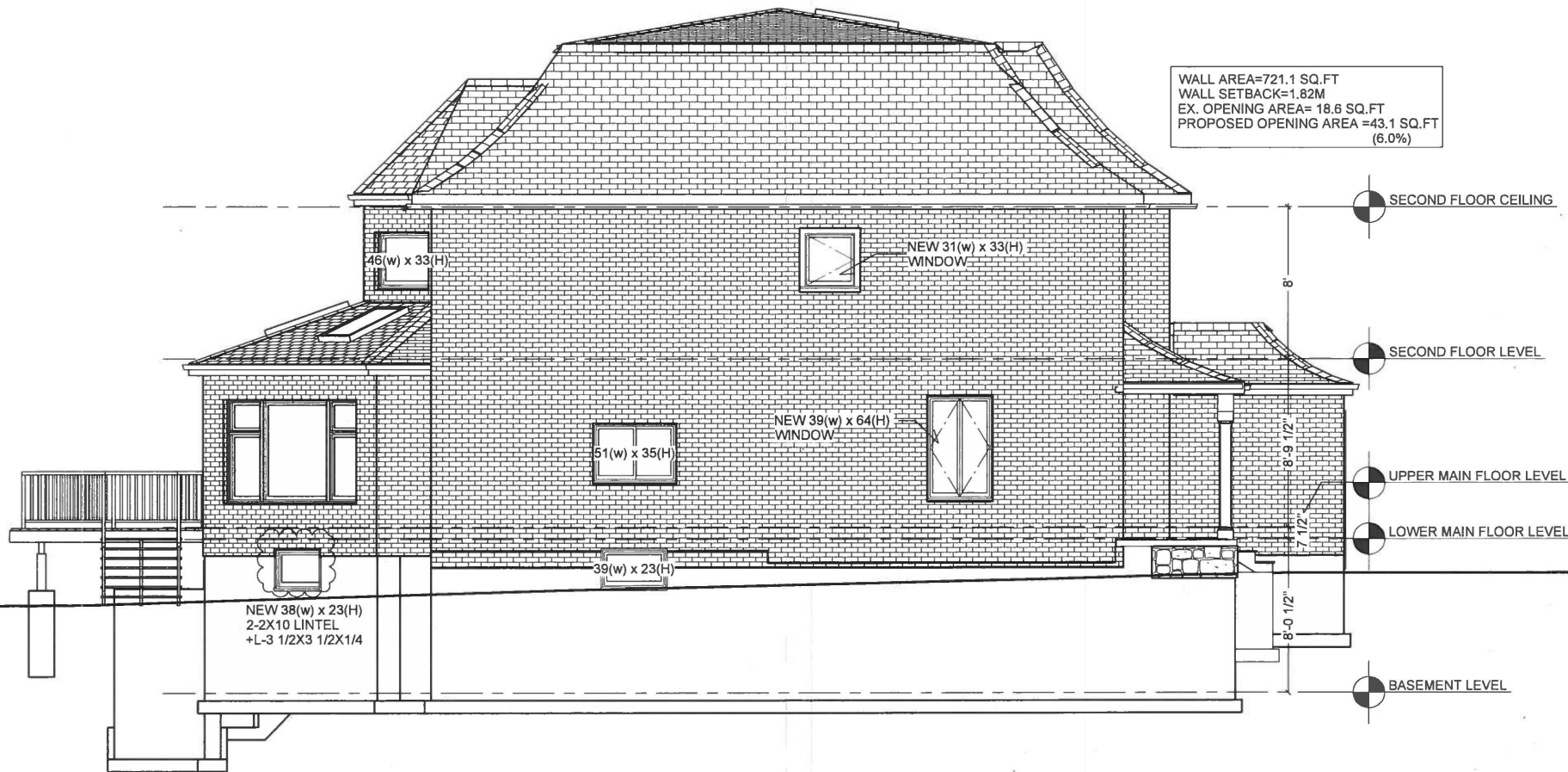
DATE

REVISION/ISSUE

NO.



LHW ENGINEERING LTD.
2448A PHARMACY AVE
TORONTO, ON M1T 1H8
T: 416-298-8837
LHWENGINEERING@GMAIL.COM



PROPOSED LEFT ELEVATION
SCALE: 3/16"=1'



PROPOSED RIGHT ELEVATION
SCALE: 3/16"=1'

