

Memorandum to the City of Markham Committee of Adjustment

July 17, 2018

File: A/79/18
Address: 6350 Steeles Avenue East, Markham
Applicant: Forest Bay Homes Ltd. (Corey Leibel)
Agent: Forest Bay Homes Ltd. (Clay Leibel)
Hearing Date: Wednesday July 25, 2018

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

The applicant is requesting relief from the following requirements of By-laws 90-81 and 304-87, as amended, R9, to permit:

a) By-law 90-81, Section 6.1.2 (b):

- i. a minimum rear yard setback of 6.4 m (Lot 66), whereas the By-law requires a minimum rear yard setback of 7.5 m;
- ii. a minimum rear yard setback of 6.7 m (Lot 86), whereas the By-law requires a minimum rear yard setback of 7.5 m;
- iii. a minimum rear yard setback of 6.7 m (Lot 87), whereas the By-law requires a minimum rear yard setback of 7.5 m;
- iv. a minimum rear yard setback of 6.6 m (Lot 88), whereas the By-law requires a minimum rear yard setback of 7.5 m;

as they relate to multiple residential dwellings on Draft Plan of Subdivision 19TM-98019.

BACKGROUND

Property Description

The subject applications relate to four (4) single detached residential lots on Draft Plan of Subdivision 19TM-98019 (hereinafter "the subdivision"), which was draft approved on November 27, 2014. Zoning By-law 2015-6, which amends the provisions of Zoning By-laws 90-81 and 304-87 to facilitate development of the subdivision, was approved by the Ontario Municipal Board on November 17, 2014.

The subdivision is located north of Steeles Avenue East and east of Markham Road. Lots 66, 86, 87 and 88 back onto the eastern boundary of the subdivision, which features a mature hedgerow that extends into the subject property as well as the golf and country club property to the east.

Proposal

The applicant is proposing to construct a single detached dwelling on each of the subject lots referred to above. Relief is requested for rear yard setbacks on all four of the lots.

Urban Design staff have reviewed the Tree Assessment and Preservation Plan that was prepared in support of the subdivision application. There are no major concerns with impacts to trees as a result of the proposed rear yard setbacks.

Official Plan and Zoning

Official Plan 2014, as partially approved on November 24, 2017 and further updated on April 9, 2018

The Official Plan 2014 designates the subject property 'Residential – Low Rise,' which provides for low-rise housing forms including single detached dwellings.

Zoning By-law

The subject property is zoned R9 under by-laws 90-81 and 304-87, as amended, which permits single detached dwellings. The proposed rear yard setbacks do not meet the required rear yard setback of 7.5 m (24.6 ft).

Applicant's Stated Reason(s) for Not Complying with Zoning

The applicant's stated reasons for not complying with the zoning, as provided in the application forms, are as follows: "irregular shape of lot" for Lot 66, and "market demand" for all other lots. On July 3, 2018, Planning staff met with the applicant to discuss the proposal.

Zoning Preliminary Review Not Undertaken

The applicant has not completed a Zoning Preliminary Review to confirm the variances required for the proposed development. It is the owner's responsibility to ensure that the applications have accurately identified all of the variances to the Zoning By-law required for the proposed development. If the variances in the application contain errors, or if the need for additional variances is identified during the Building Permit review process, further variances 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.

Lot 66

The applicant is requesting relief to permit a minimum rear yard setback of 6.4 m (21 ft), whereas the By-law requires a minimum rear yard setback of 7.5 m (24.6 ft). This represents a 1.1 m (3.6 ft) reduction when compared to the By-law requirement.

It is noted that the rear yard setback deficiency applies to a portion of the rear bump-out area as opposed to the entire width of the dwelling. The variance can also be partly attributed to the angle of the lot line, which creates a setback line that is skewed when compared to the orientation of the dwelling. The resulting rear yard is similar to that which would typically be achieved with a 7.5 m (24.6 ft) setback.

Lots 86, 87 and 88

The applicant is requesting relief to permit a minimum rear yard setback of 6.7 m (Lots 86 and 87) and 6.6 m (Lot 88), whereas the By-law requires a minimum rear yard setback of

7.5 m. This represents a 0.8 m (2.6 ft) reduction in rear yard setback for Lots 86 and 87, and a 0.9 m (3 ft) reduction for Lot 88.

It is noted that the rear yard setback deficiency applies to a portion of the rear bump-out area as opposed to the entire width of the dwelling. The width of the portion that extends into the required rear yard is in all cases less than half of the total dwelling width. Given the small size of the area that encroaches into the required yard, the resulting rear yards are similar to that which would typically be achieved with a 7.5 m (24.6 ft) setback.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 17, 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 variances satisfy the four tests of the Planning Act and have no objection to their 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.

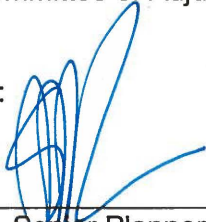
Please see Appendix "A" for conditions to be attached to any approval of the subject applications.

PREPARED BY:



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

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/79/18

1. That 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 September 2014 and May 15, 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.

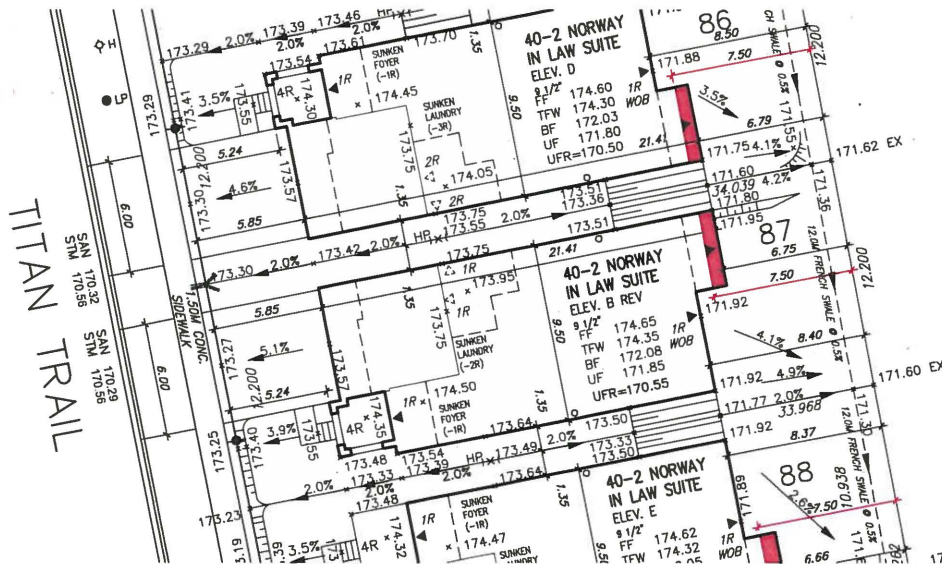
CONDITIONS PREPARED BY:



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







Grading Notes:

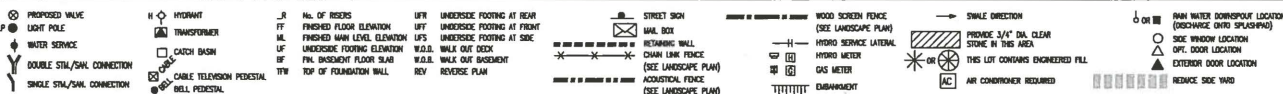
It shall be the responsibility of the builder to have all grades and services verified and checked before construction by an approved grading engineer. These grades and the placement of storm and sanitary services off the street are to meet the requirements of the municipality having jurisdiction.

VAJ Design Inc. is to be notified promptly of any discrepancies at least 1 (one) week prior to excavation commences in order that the building can be re-raised. Failure to observe these conditions may require expensive remedial action that will not be the responsibility of or cost to VAJ Design Inc. Foundation wall shall be poured to a minimum of 6" above approved grades.

Finished grade lines as indicated on the house prototype are for reference only and do not necessarily depict finish grading conditions of any particular lot.

COVERAGE MAX 45% WITHOUT PORCH

LOT NO.	MODEL	LOT AREA S.M.	UNIT COVERAGE S.M.	PERCENTAGE (MAX. 45%)
87	S40-2 'B'	414.84 S.M.	185.99 S.M.	44.83 %



5			
4			
3			
2			
1	ISSUED FOR PERMIT	MAY 15-18	RC

date

by

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

qualification information

Wellington Jno-Baptiste 25591

name registration information VAJ Design Inc. 42658

Contractor must verify all dimensions on the site and report any discrepancy to the Designer before proceeding with the work. All drawings and specifications are instruments of service and the property of the Designer which must be returned at the completion of the work. Drawings are not to be used.

All drawings, specifications, related documents and design are the copyright property of VAJ DESIGN. Reproduction of this property in whole or in part is strictly prohibited without VAJ DESIGN's written permission.



255 Consumers Rd Suite 120
Toronto ON M2N 1R4
1 416.630.2255 / 416.630.4782
vajdesign.com

CALEXICO HOLDINGS INC.

project name FAIRTREE ON THE ROUGE

municipality MARKHAM, ON.

registered plan no. 11012

lot/block no. 87

project no. 11012

date MAY 2018 scale 1:250

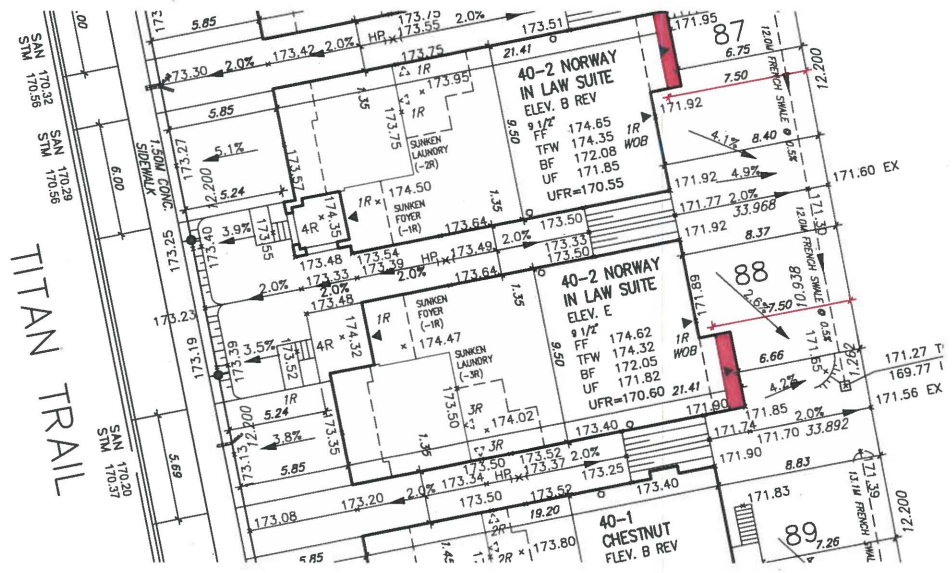
drawn by RC checked by

in name 11012-SF-00A

SITE PLAN

drawing no.

SP1



Grading Notes:
It shall be the responsibility of the builder to have all grades and services verified and checked before construction by an approved grading engineer. These grades and the placement of storm and sanitary services off the street are to meet the requirements of the municipality having jurisdiction.

VAS Design Inc. is to be notified promptly of any discrepancies of at least 1 (one) week prior to excavation commences in order that the building can be re-located. Failure to observe these conditions may require expensive remedial action that will not be the responsibility of or cost to VAS Design Inc. Foundation wall shall be poured to a minimum of 6" above approved grades.

Finished grade lines as indicated on the house prototype are for reference only and do not necessarily depict finish grading conditions of any particular lot.

COVERAGE MAX 45% WITHOUT PORCH				
LOT NO.	MODEL	LOT AREA S.M.	UNIT COVERAGE S.M.	PERCENTAGE (MAX. 45%)
88	S40-2 "E"	413.96 S.M.	185.99 S.M.	44.93 %

- PROPOSED VALUE
- UP LIGHT POLE
- WATER SERVICE
- DOUBLE STA./WAL. CONNECTION
- SINGLE STA./WAL. CONNECTION
- HYDROTRANS
- TRANSFORMER
- CATCH BASIN
- CHARLE TELEVISION PEDISTAL
- BELL PEDISTAL
- FIN. OF ROOFS
- FINISHED FLOOR ELEVATION
- FINISHED WALK LEVEL ELEVATION
- UP FIN. BUSSEMENT FLOOR SLAB
- TOP OF FOUNDATION WALL
- UNDERGROUND FOOTING AT REAR
- UNDERGROUND FOOTING AT FRONT
- UNDERGROUND FOOTING AT SIDE
- W.D.B. WALK OUT DECK
- W.D.B. WALK OUT BUSSEMENT
- REVERSE PLAN
- STREET SIGN
- WALL SIZE
- RETAINING WALL
- CHAIN LINK FENCE
- ADDITIONAL FENCE
- WOOD SCREEN FENCE
- HYDRO SERVICE LATERAL
- HYDRO METER
- GAS METER
- ENHANCEMENT
- SHADE DIRECTION
- PROVIDE 1/4" OIL CLEAN STONE IN THIS AREA
- THIS LOT CONTAINS ENGINEERED FILL
- AIR CONDITIONER REQUIRED
- RAIN WATER DOWNSPOUT LOCATION (DISCHARGE ONTO SPLASHPAD)
- SIDE WINDOW LOCATION
- OPT. DOOR LOCATION
- EXTERIOR DOOR LOCATION
- REDUCE SIDE YARD

5		
4		
3		
2		
1	ISSUED FOR PERMIT	MAY 15-18 RC
no	description	date
<p>The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.</p> <p>qualification information</p> <p>Wellington Jno-Baptiste 25591</p> <p>name</p> <p>registration information</p> <p>VAS Design Inc. 42858</p>		
<p>Contractor must verify all dimensions on the job and report any discrepancy to the Designer before proceeding with the work. All drawings and specifications are instruments of service and the property of the Designer which must be returned at the completion of the work. Drawings are not to be scaled.</p>		
<p>All drawings, specifications, related documents and designs are the copyright property of VAS DESIGN. Reproduction of the property in whole or in part is strictly prohibited without VAS DESIGN's written permission.</p>		
<p>VA3 DESIGN</p> <p>255 Consumers Rd Suite 120 Toronto ON M2J 1R4 t 416.630.2255 f 416.630.4782 vasdesign.com</p>		
<p>CALEXICO HOLDINGS INC.</p>		
<p>project name</p> <p>FAIRTREE ON THE ROUGE</p> <p>municipality</p> <p>MARKHAM, ON.</p> <p>registered plan no.</p> <p>11012</p>		
<p>date</p> <p>MAY 2018</p> <p>scale</p> <p>1:250</p> <p>drawn by</p> <p>RC</p> <p>checked by</p> <p></p> <p>file name</p> <p>11012-SP-COA</p>		
<p>SITE PLAN</p> <p>drawing no.</p> <p>SP1</p>		