

Memorandum to the City of Markham Committee of Adjustment

January 10, 2023

File: A/157/22
Address: 60 Herbert Wales Crescent, Markham
Applicant: Bonnie Tam
Agent: Zero Degree Studio Inc. (Roy Chan)
Hearing Date: Wednesday, January 18, 2023

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

The Applicant is requesting relief from the following “Residential Two (R2)” zone requirements under By-law 177-96, as amended, as it relates to a proposed second storey addition. The variance requested is to permit:

a) Section 5, Table B2:

a minimum front yard setback of 4.1 m (13.45 ft.), whereas the By-law requires a minimum front yard setback of 4.5 m (14.76 ft.).

BACKGROUND

Property Description

The 348 m² (3,746 ft²) subject property is located on the south side of Herbert Wales Crescent, and west of Gillings Street (refer to Appendix “A” – Aerial Photo). The subject property is located within an established residential neighbourhood comprised primarily of two-storey detached dwellings.

There is an existing 139 m² (1,496 ft²) two-storey detached dwelling which was constructed in 2009, according to assessment records. Mature vegetation exists on the property, including one large mature tree in the front yard.

Proposal

The Applicant is proposing to construct an approximate 13.44 m² (145 ft²) two-storey addition to the front of the existing two-storey detached dwelling, above the garage (refer to Appendix “B” – Plans).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The subject lands are designated “Residential Low Rise”, which permits low-rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing, and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, development is required to meet the general intent of the above noted development criteria. In addition, regard shall be had for the retention of existing trees and vegetation. Planning staff have had regard for the requirements of the development criteria in the preparation of the comments provided below.

Zoning By-Law 177-96

The subject property is zoned “Residential Two (R2)” zone under By-law 177-96, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law with respect to minimum front yard setback.

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the Applicant has received comments from the building department through their permit process (22 244740 HP) to confirm the variances required for the proposed development.

Consequently, it is the Owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning Bylaw 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Reduction in Front Yard Setback

The Applicant is requesting relief to permit a minimum front yard setback of 4.1 m (13.45 ft), whereas the By-law requires a minimum front yard setback of 4.5 m (14.76 ft). This represents a reduction of approximately 0.89 m (2.92 ft). The variance is entirely attributable to the proposed second floor addition over the existing driveway. Staff are of the opinion that the second floor addition is minor in nature and staff have no concerns with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 10, 2023. 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 refer to Appendix “C” for conditions to be attached to any approval of this application.

PREPARED BY:

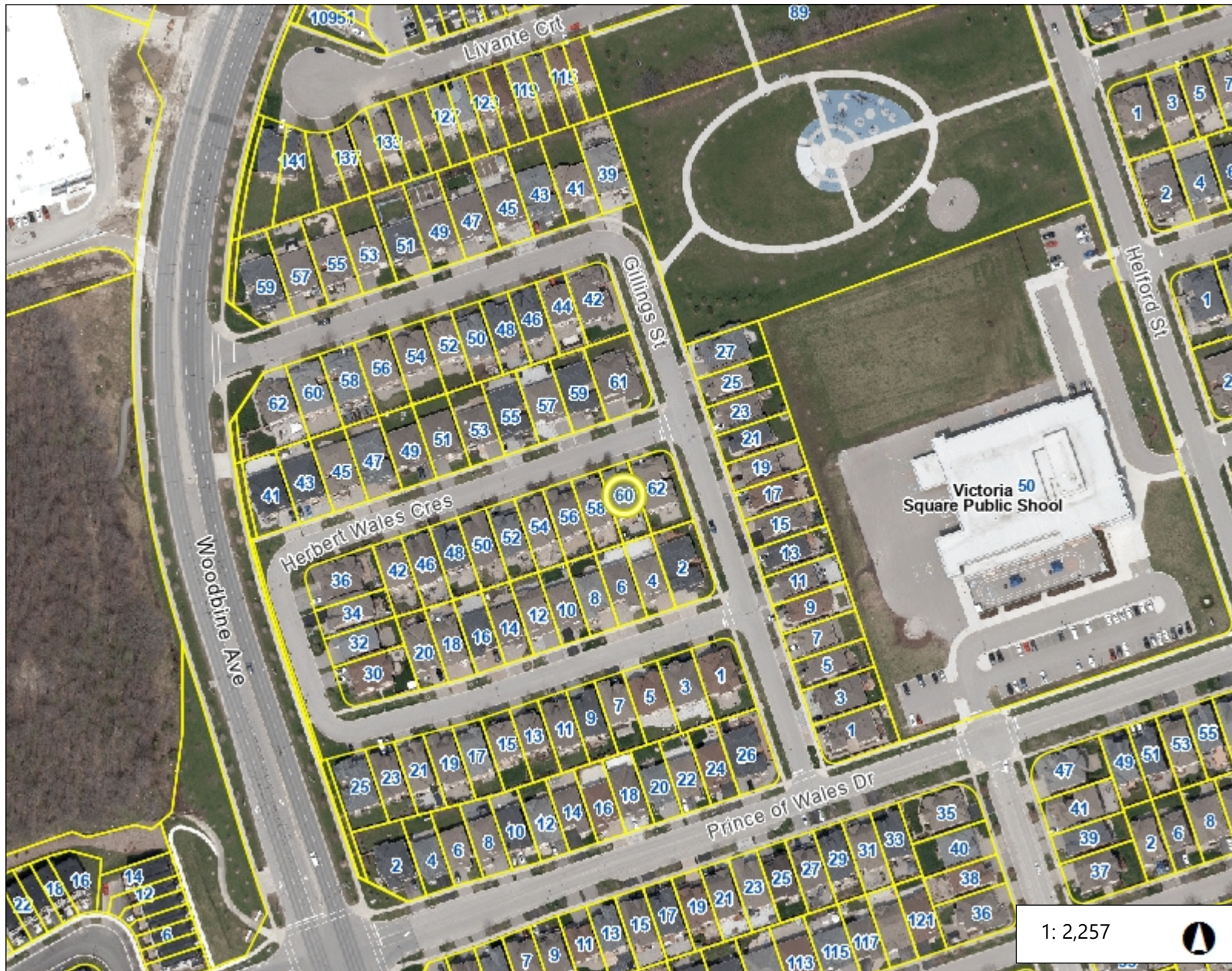


Hussnain Mohammad, Development Technician, Zoning and Special Projects

REVIEWED BY:



Rick Cefaratti, MCIP RPP, Senior Planner II, West District



Legend

- Subject Lands (60 Herbert Wales Crescent)

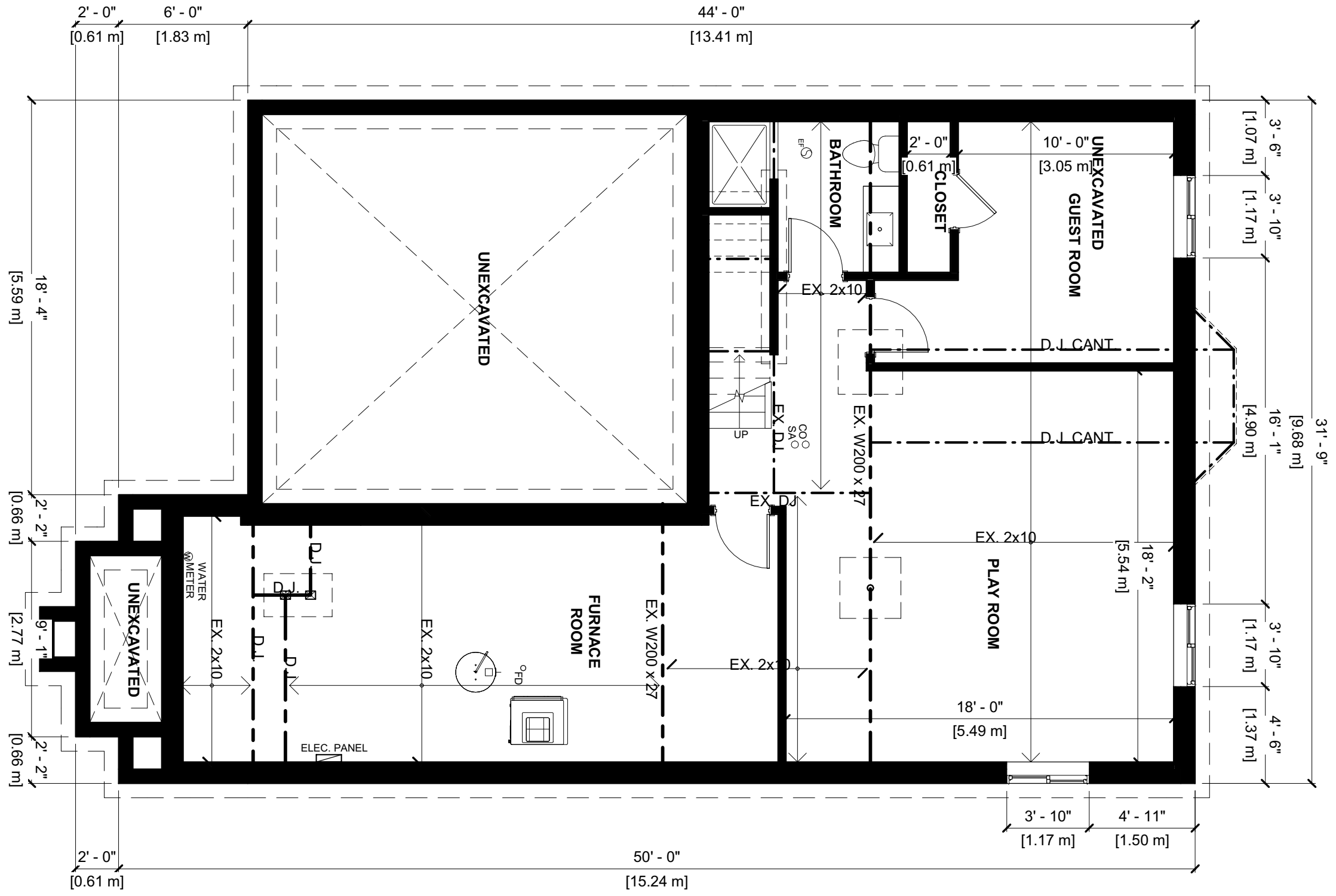
1: 2,257



Notes

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Appendix B

File: 22.255441.000.00.MNV

Date: 01/10/23

MM/DD/YY

No.	Description	Date	By

PROPOSED ADDITION

60 Herbert Wales Cres

MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS

Drawn by	RC
Date	2021-05-01
Scale	3/16" = 1'-0"
Project Number	21013

DRAWING NAME
Existing Basement Plan

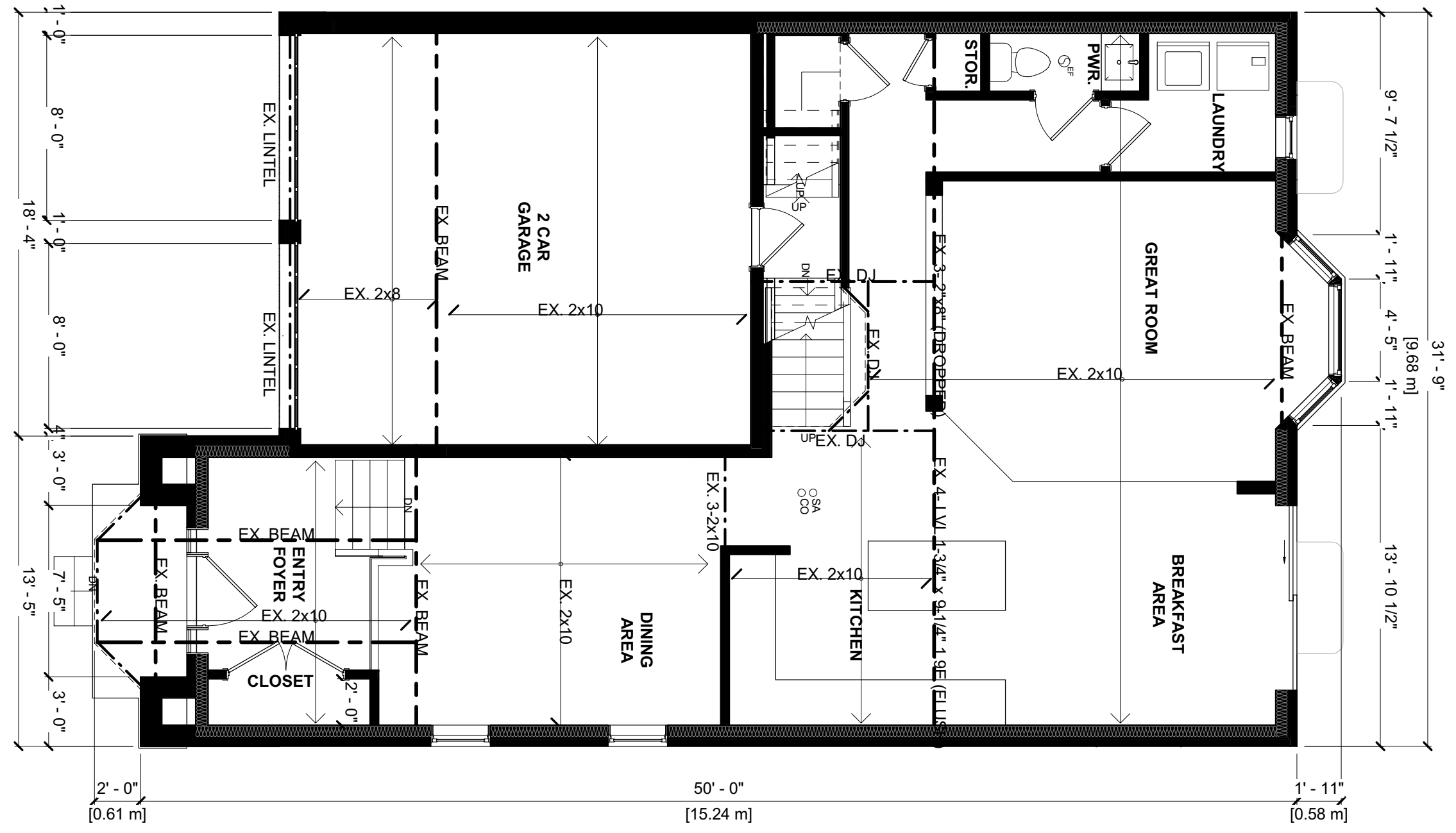
SHEET NUMBER
A1.01



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Drawn by	RC
Date	2021-05-01
Scale	3/16" = 1'-0"
Project Number	21013

DRAWING NAME	Existing 1st Floor Plan
SHEET NUMBER	A1.02

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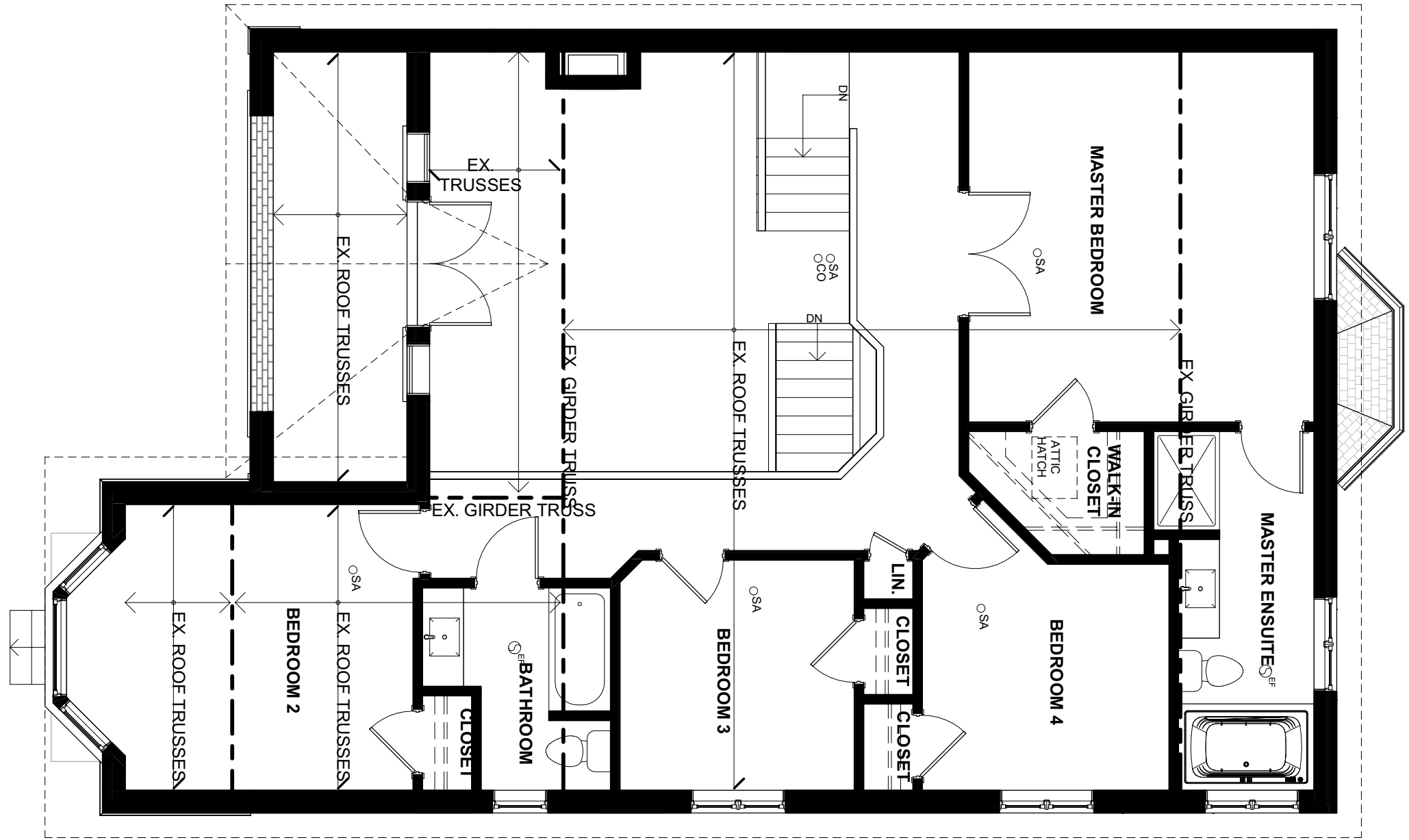
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60 Herbert Wales Cres

MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2021-05-01
Scale	3/16" = 1'-0"
Project Number	21013

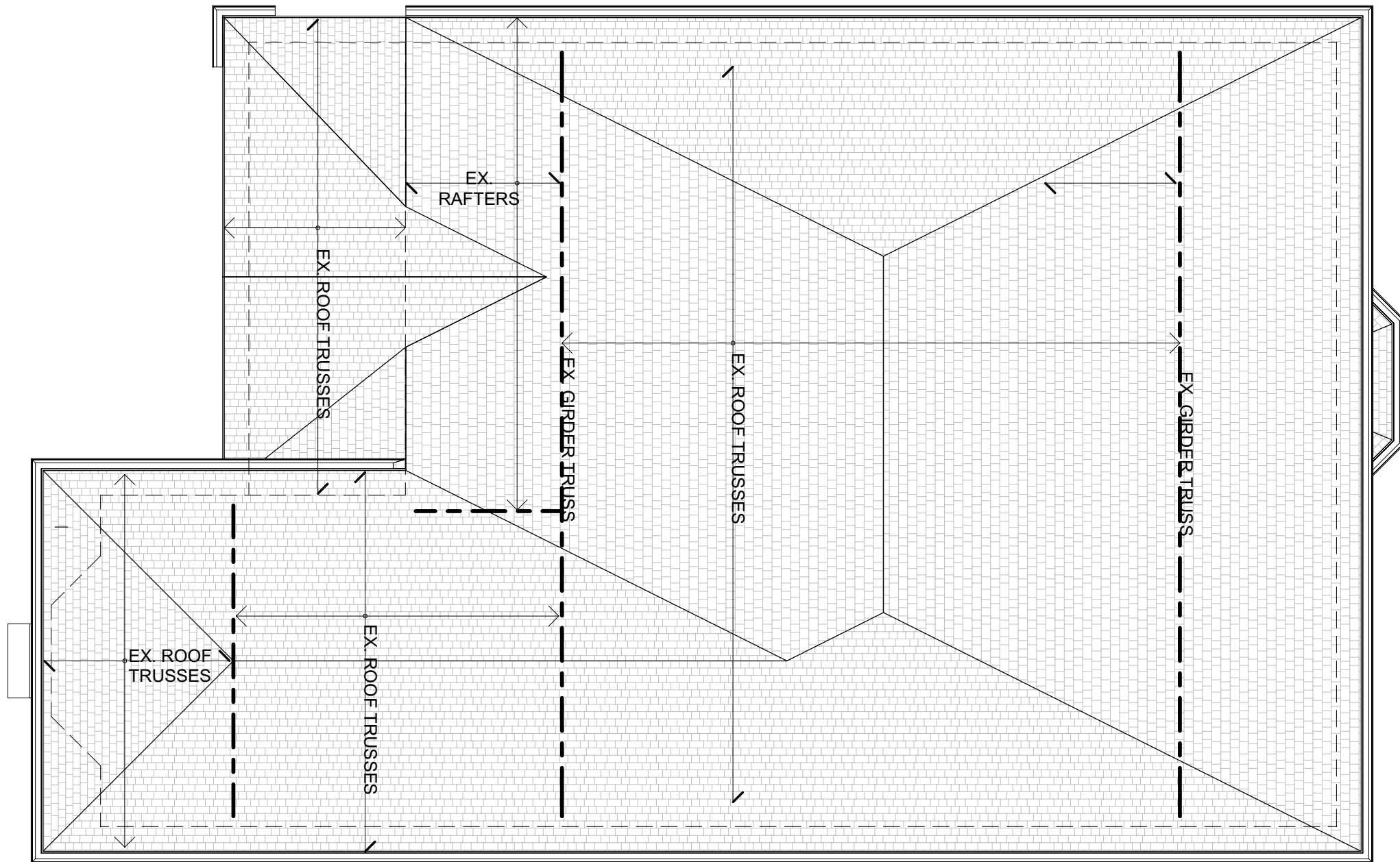
DRAWING NAME	Existing 2nd Floor Plan
SHEET NUMBER	A1.03



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60 Herbert Wales Cres

MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS

Drawn by	RC
Date	2021-05-01
Scale	3/16" = 1'-0"
Project Number	21013

DRAWING NAME
Existing Roof Plan

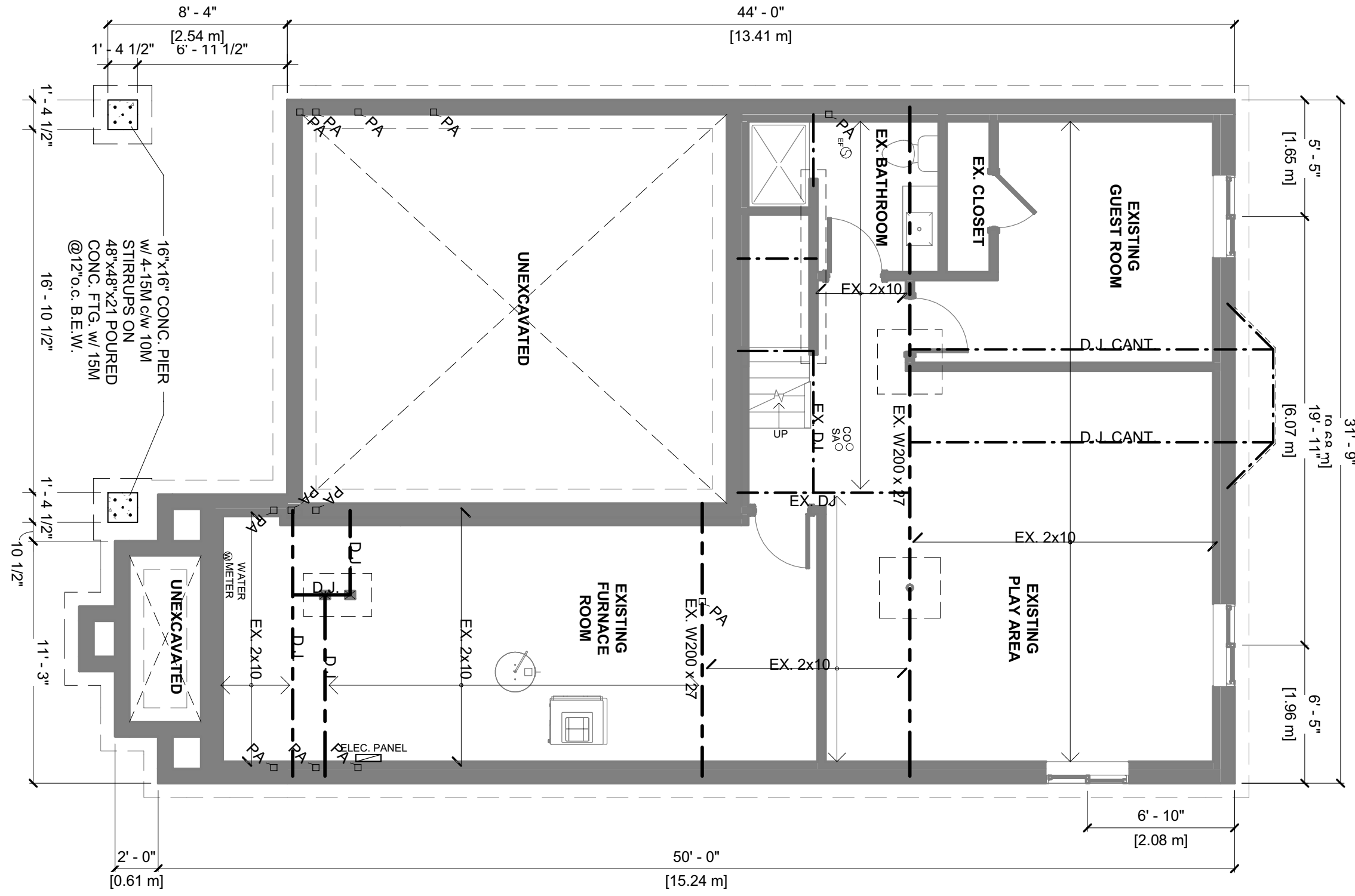
SHEET NUMBER
A1.04



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60 Herbert Wales Cres

MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2021-05-01
Scale	3/16" = 1'-0"
Project Number	21013

DRAWING NAME	Proposed Basement Plan
SHEET NUMBER	A1.11

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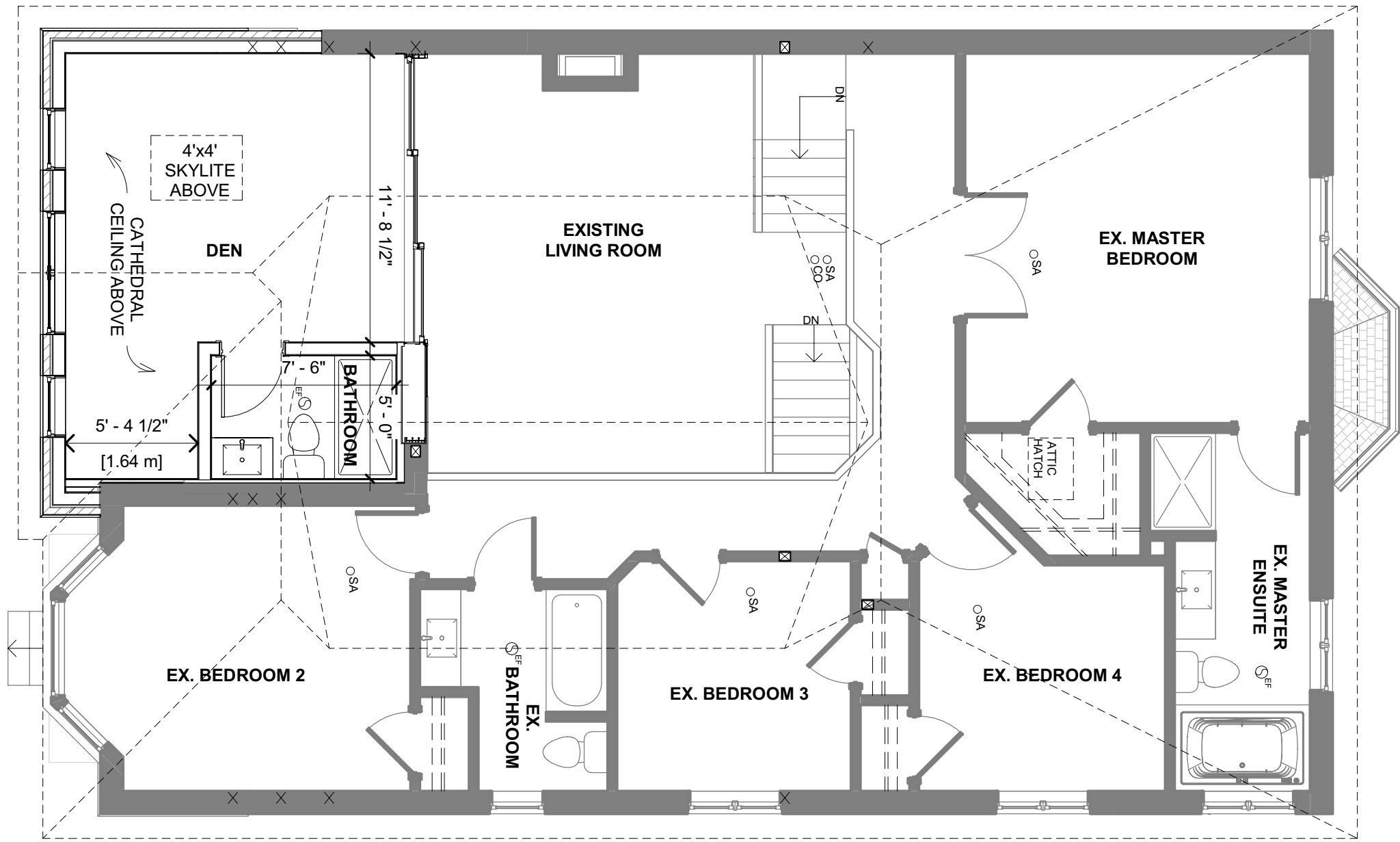
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CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2021-05-01
Scale	3/16" = 1'-0"
Project Number	21013

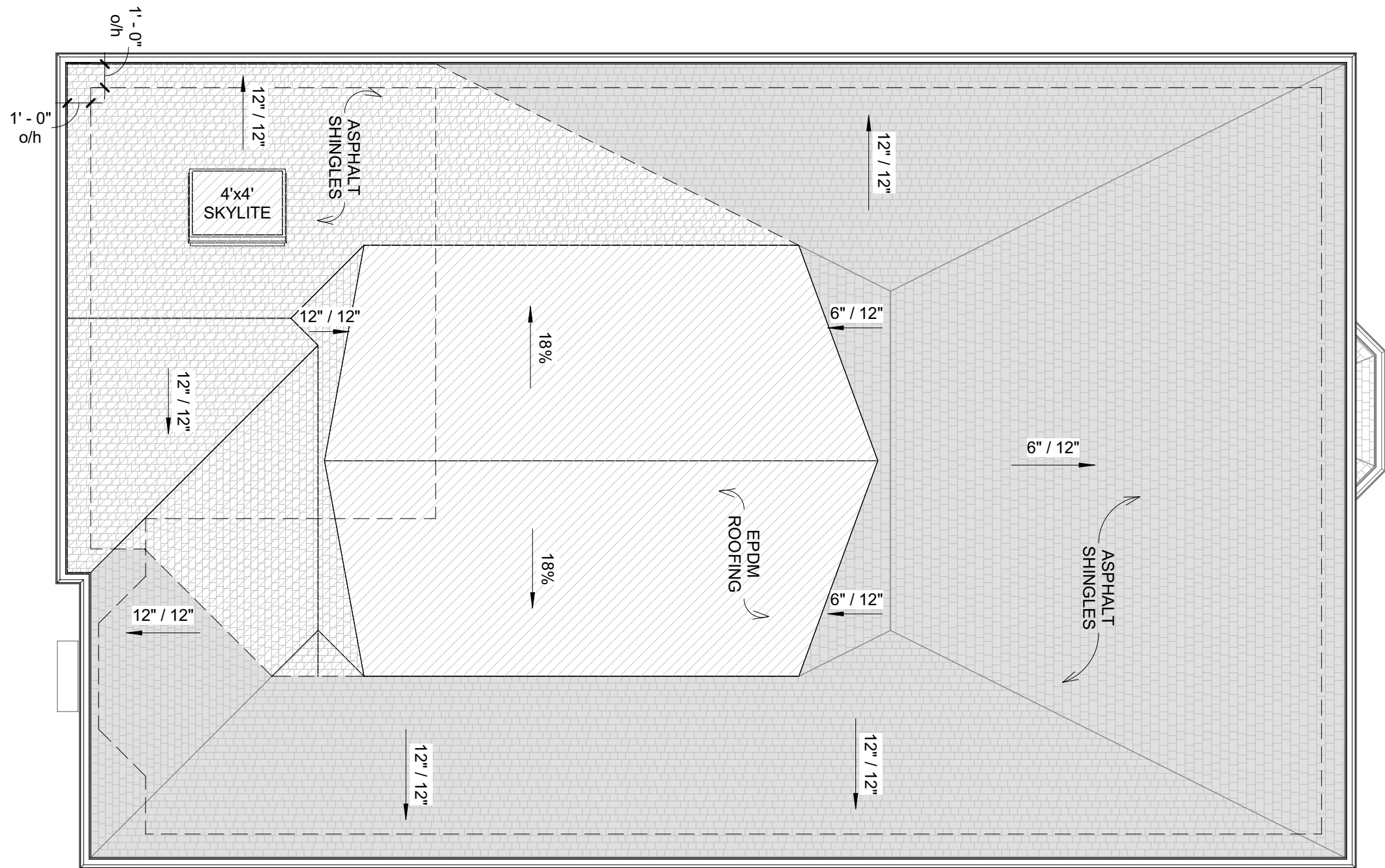
DRAWING NAME	Proposed 2nd Floor Plan
SHEET NUMBER	A1.13



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60 Herbert Wales Cres

MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS

Drawn by	RC
Date	2021-05-01
Scale	3/16" = 1'-0"
Project Number	21013

DRAWING NAME
Proposed Roof Plan

SHEET NUMBER
A1.14



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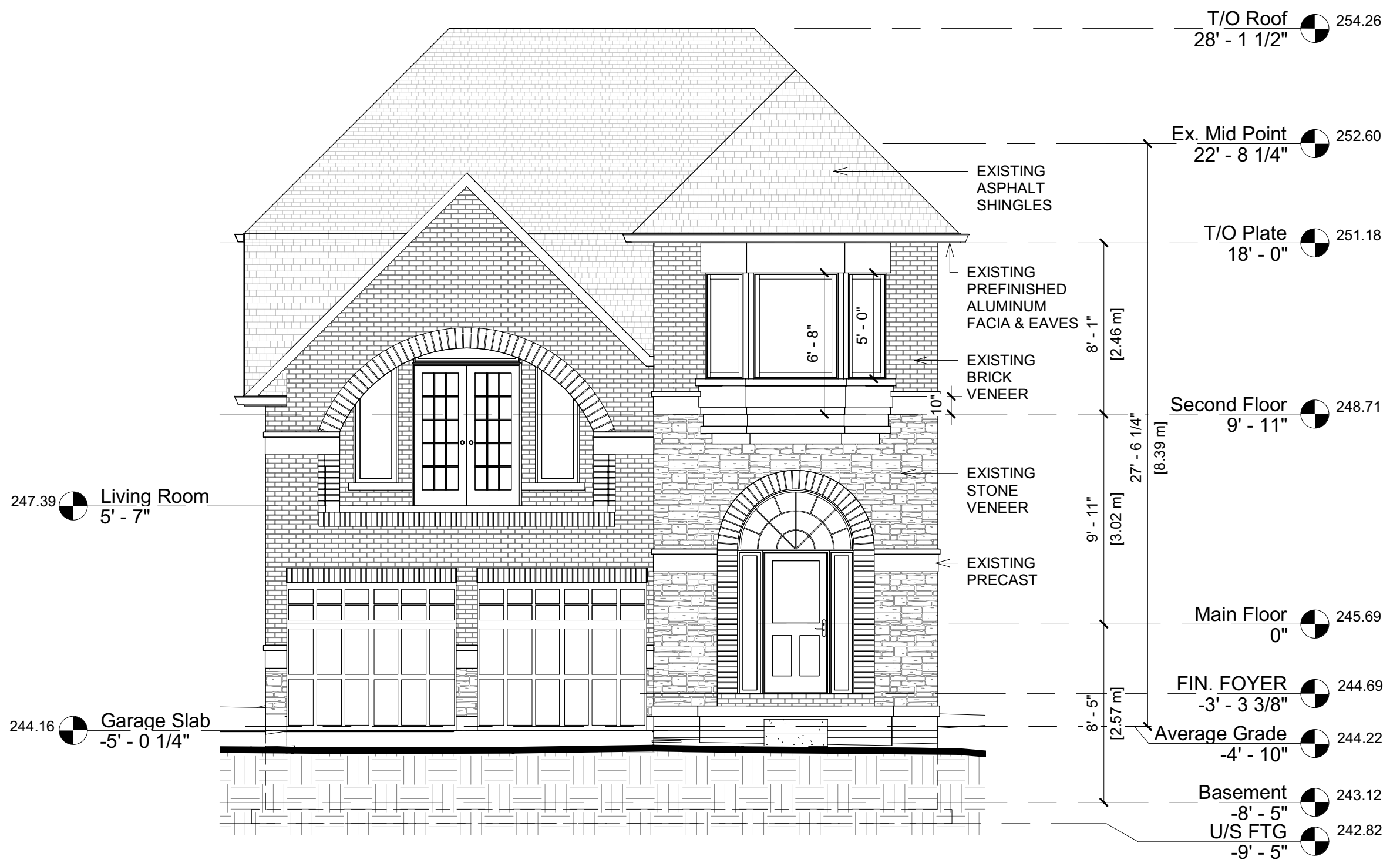
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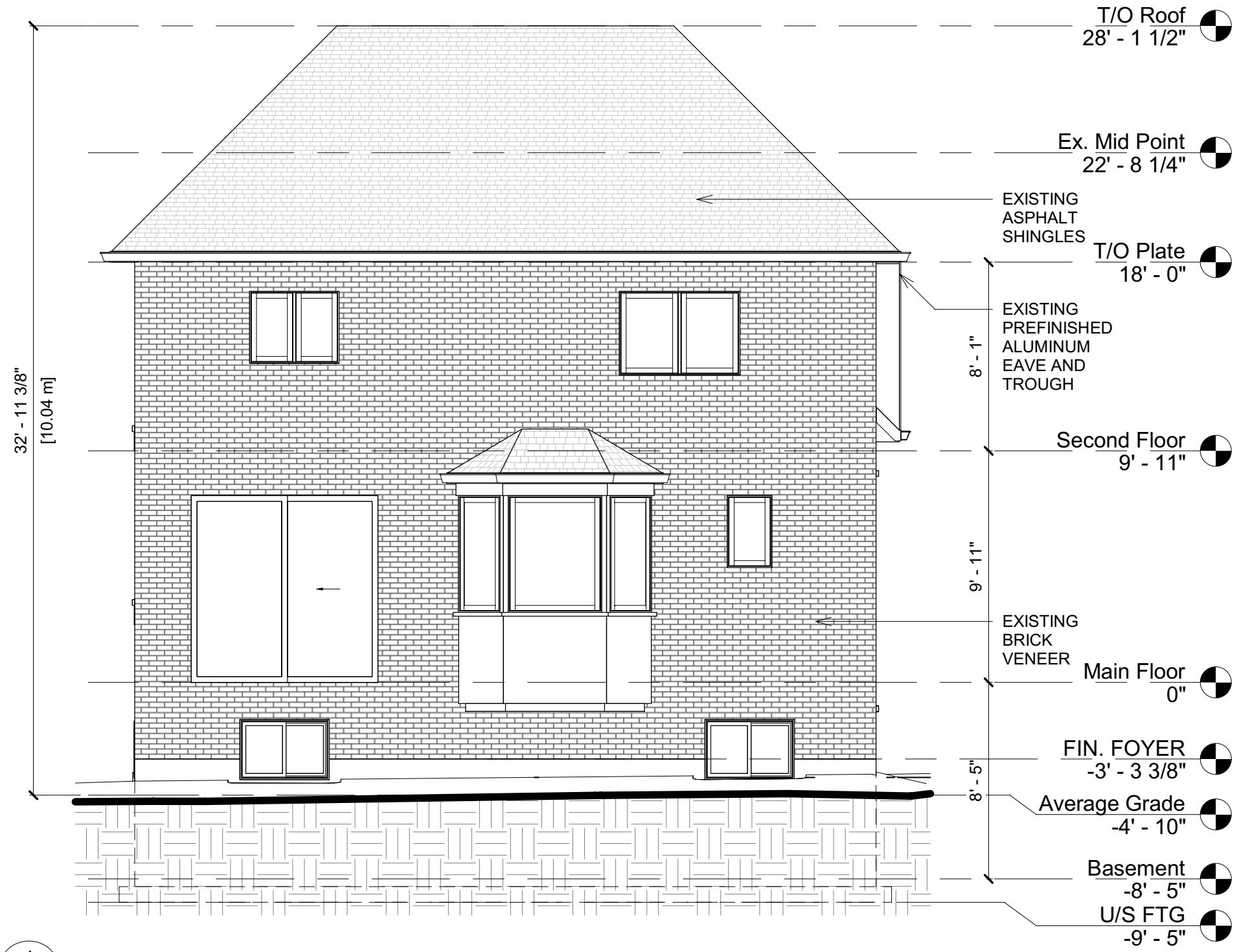
MM/DD/YY



1 EXISTING NORTH ELEVATION
A2.01 3/16" = 1'-0"

No.	Description	Date	By	PROPOSED ADDITION	CONTRACTOR SHALL CHECK DIMENSIONS	DRAWING NAME
				60 Herbert Wales Cres	Drawn by RC	Existing North (Front) Elevation
				MARKHAM, ON	Date 2021-05-01	SHEET NUMBER
					Scale 3/16" = 1'-0"	A2.01
					Project Number 21013	 ZERO DEGREE STUDIO <small>80 MICRO COURT, SUITE 106 MARKHAM ON L3R 9Z5 info@zerodegreestudio.ca</small>

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1 EXISTING SOUTH ELEVATION
 A2.02 3/16" = 1'-0"

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Date: 01/10/23

MM/DD/YY

No.	Description	Date	By

PROPOSED ADDITION

60 Herbert Wales Cres

MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2021-05-01
Scale	3/16" = 1'-0"
Project Number	21013

DRAWING NAME

Existing South (Rear) Elevation

SHEET NUMBER

A2.02

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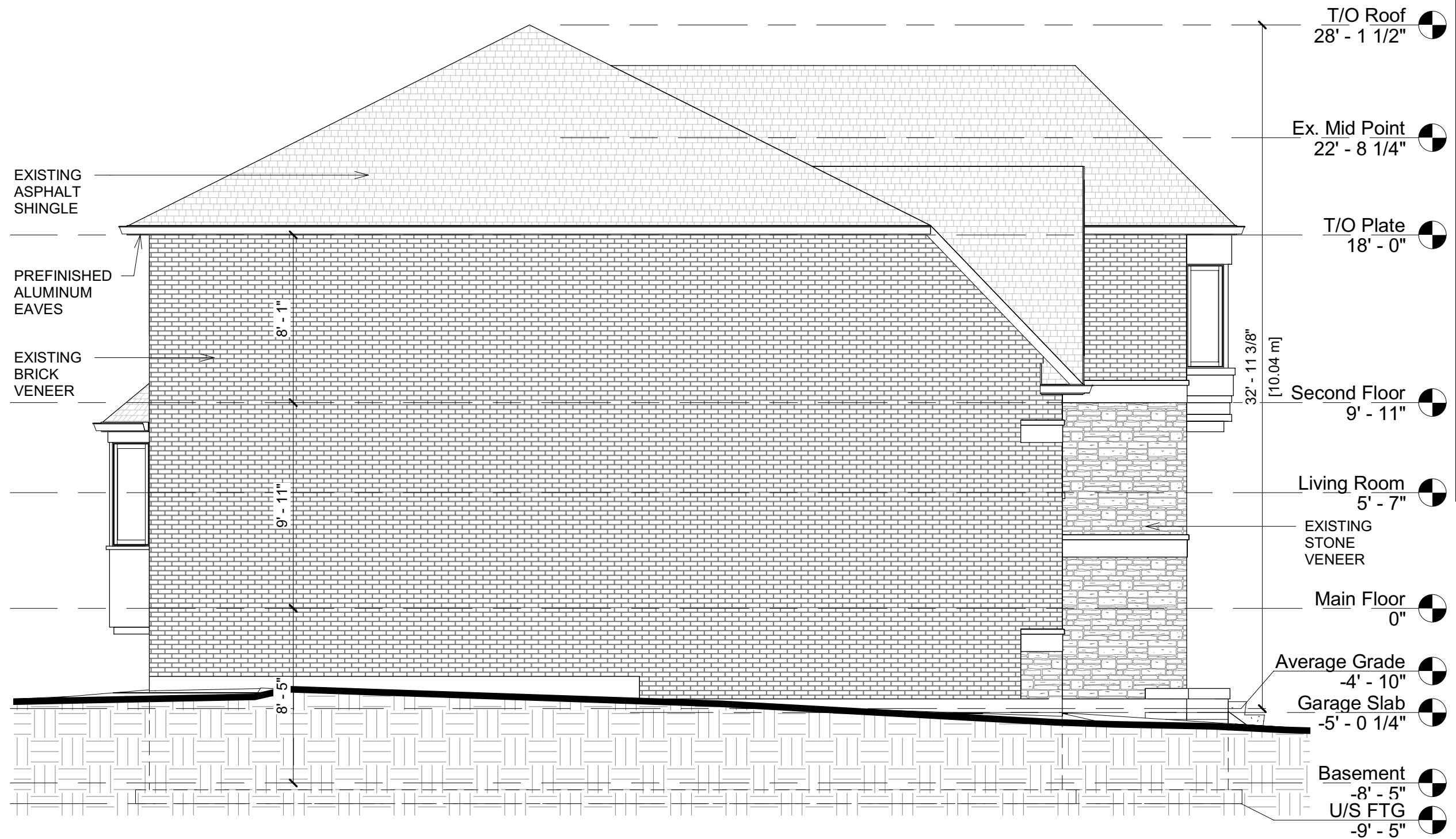
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MM/DD/YY



1 EXISTING EAST ELEVATION
 A2.03 3/16" = 1'-0"

No.	Description	Date	By

PROPOSED ADDITION

60 Herbert Wales Cres

MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2021-05-01
Scale	3/16" = 1'-0"
Project Number	21013

DRAWING NAME
Existing East Elevation
SHEET NUMBER
A2.03

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1 EXISTING WEST ELEVATION
A2.04 3/16" = 1'-0"

No.	Description	Date	By
	PROPOSED ADDITION		

60 Herbert Wales Cres

MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS		DRAWING NAME	
Drawn by	RC	Existing West Elevation	
Date	2021-05-01	SHEET NUMBER	
Scale	3/16" = 1'-0"	A2.04	
Project Number	21013		

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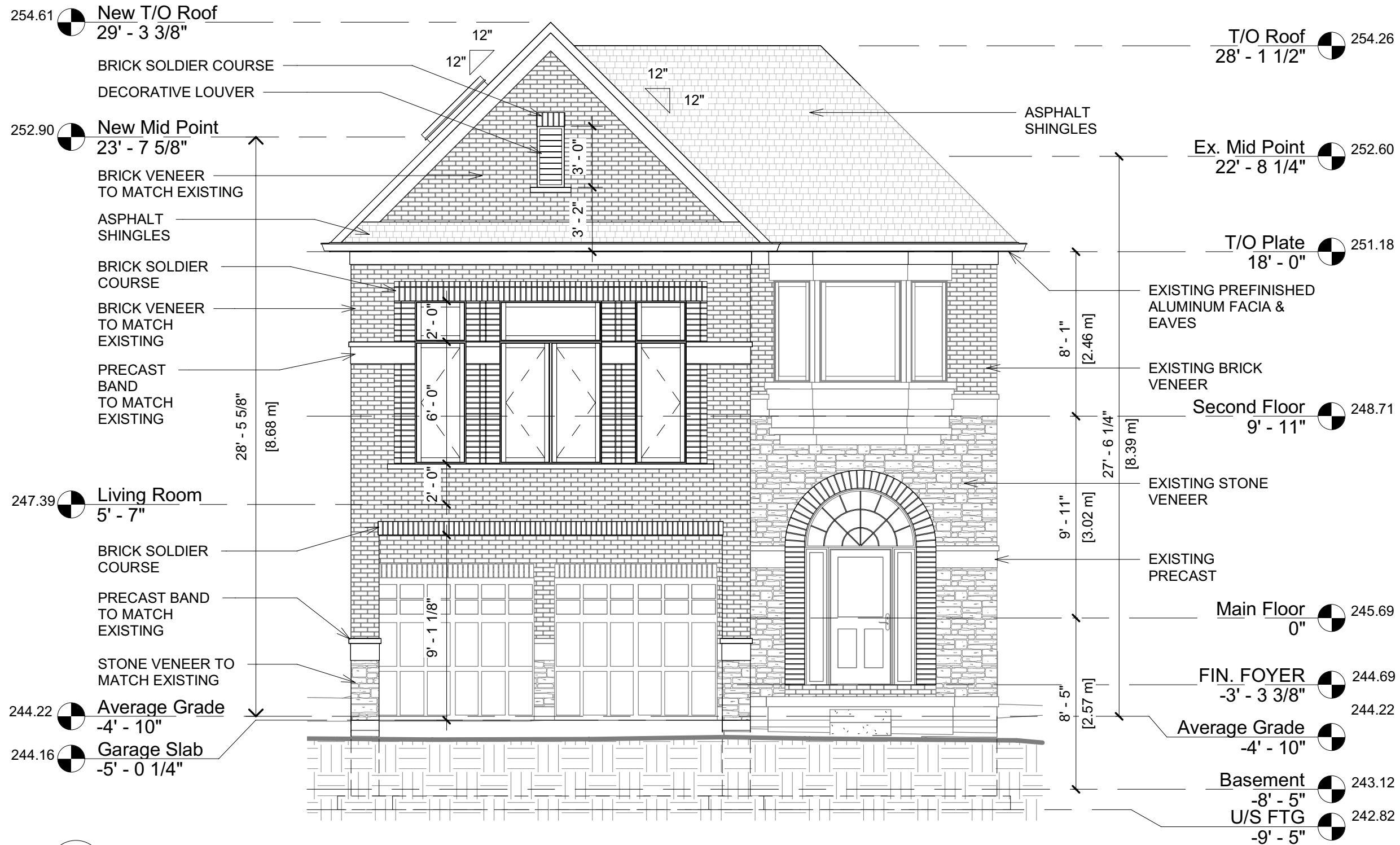
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1 PROPOSED NORTH ELEVATION
A2.11 3/16" = 1'-0"

No.	Description	Date	By

PROPOSED ADDITION

60 Herbert Wales Cres

MARKHAM, ON

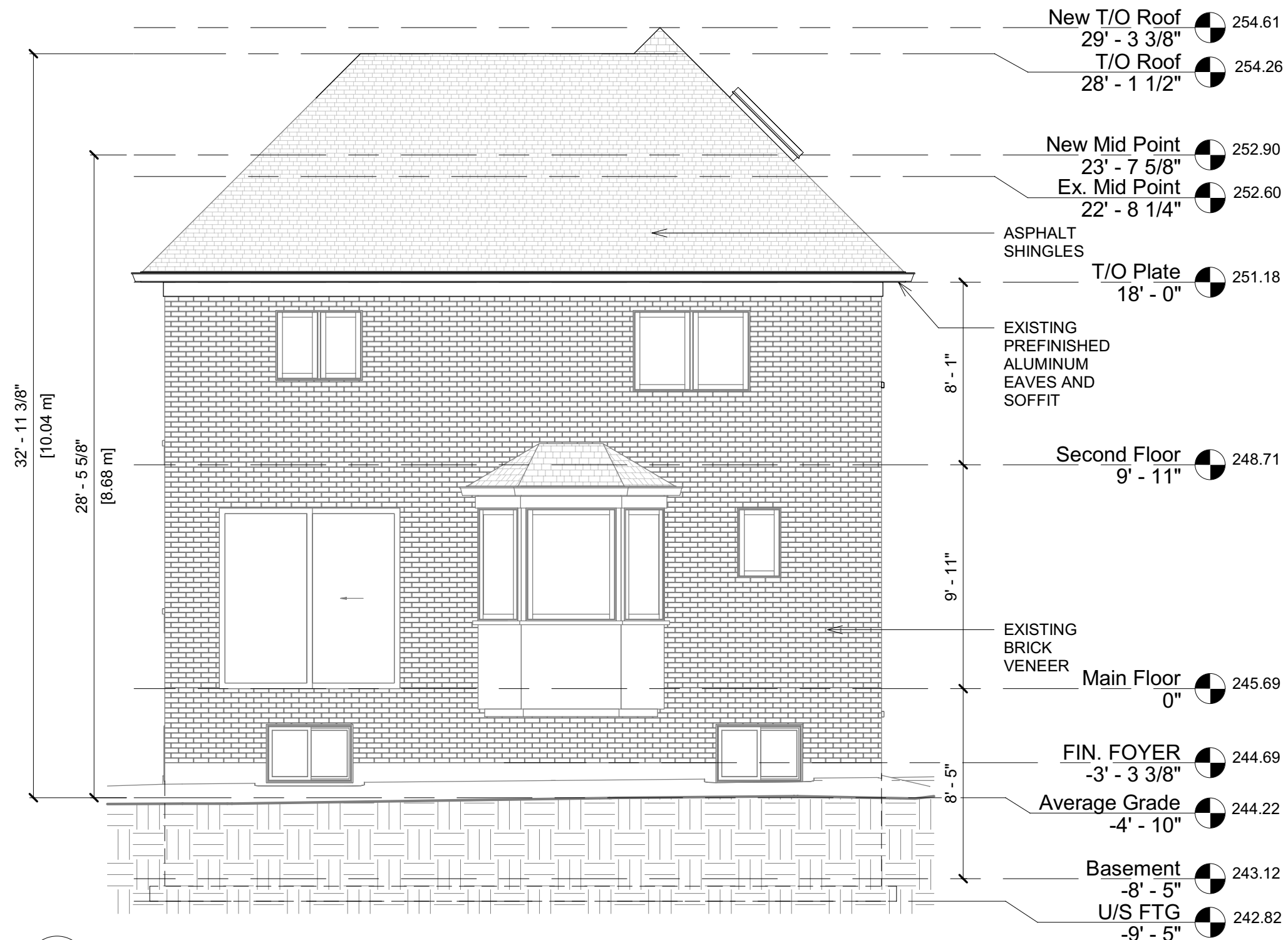
CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2021-05-01
Scale	3/16" = 1'-0"
Project Number	21013

DRAWING NAME	
Proposed North (Front) Elevation	
SHEET NUMBER	
A2.11	

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1 PROPOSED SOUTH ELEVATION
 A2.12 3/16" = 1'-0"

No.	Description	Date	By

PROPOSED ADDITION

60 Herbert Wales Cres

MARKHAM, ON

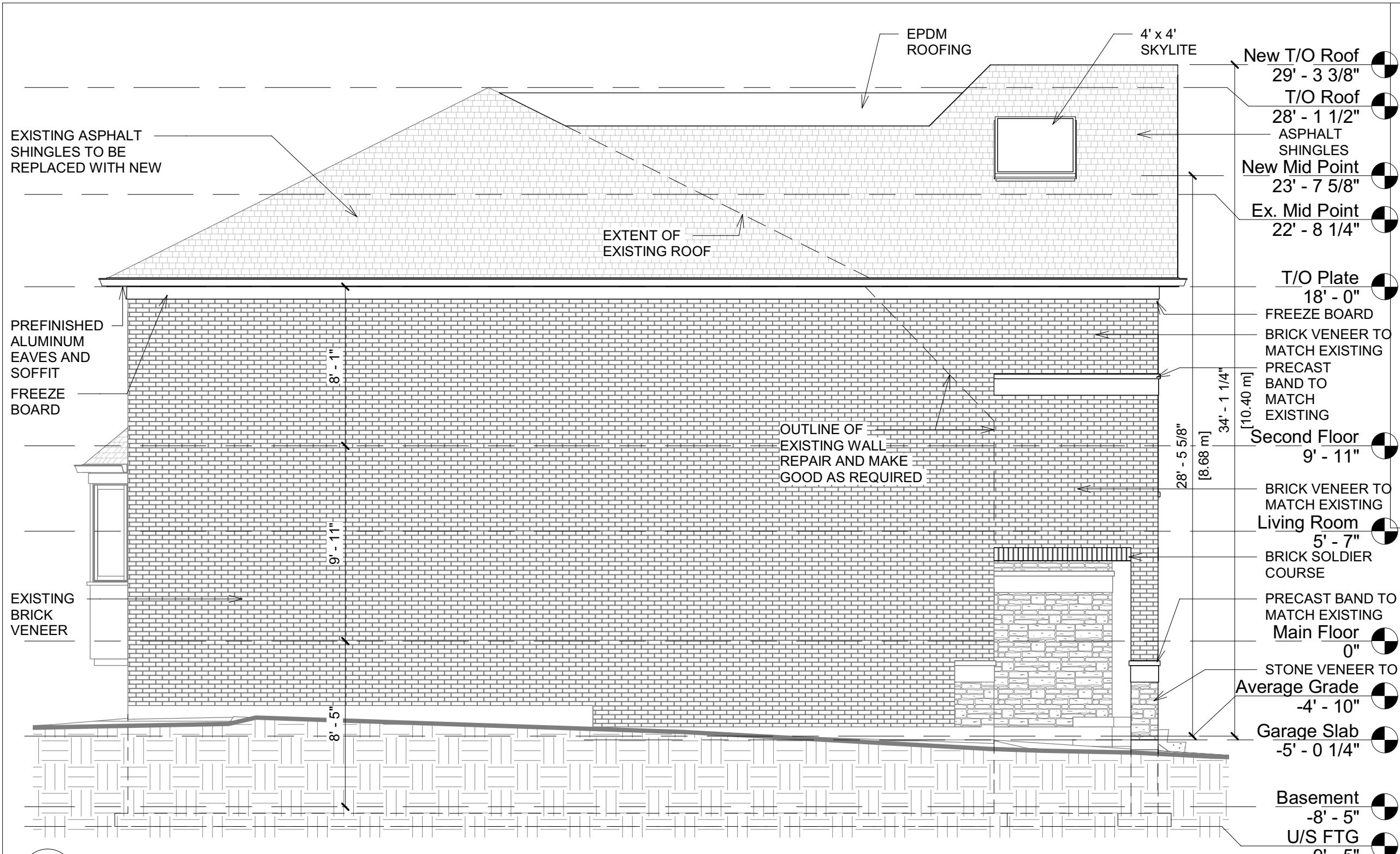
CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2021-05-01
Scale	3/16" = 1'-0"
Project Number	21013

DRAWING NAME
Proposed South (Rear) Elevation
SHEET NUMBER
A2.12

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1 PROPOSED EAST ELEVATION
A2.13 3/16" = 1'-0"

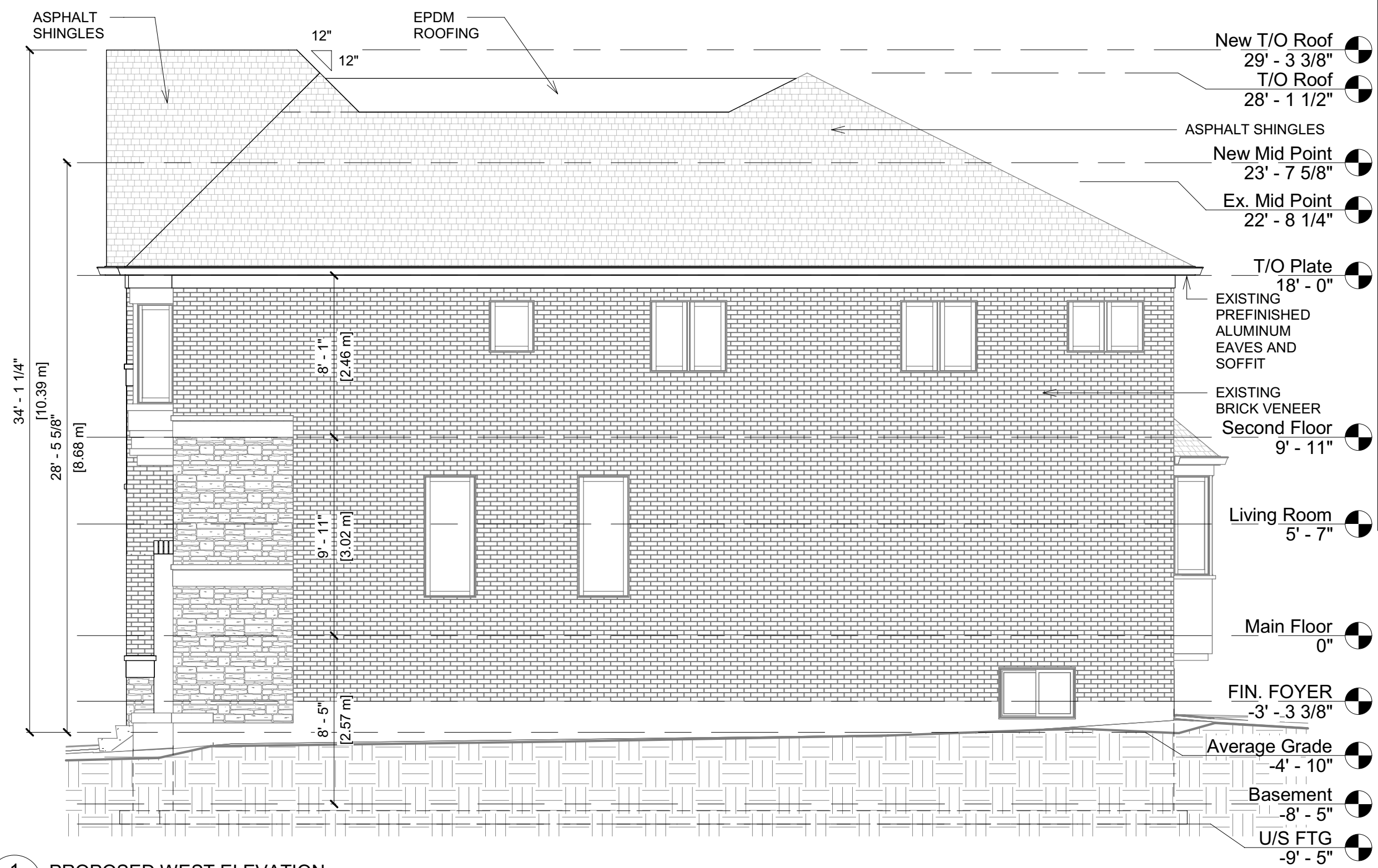
No.	Description	Date	By	PROPOSED ADDITION
				60 Herbert Wales Cres
				MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS		DRAWING NAME
Drawn by	RC	Proposed East Elevation
Date	2021-05-01	SHEET NUMBER
Scale	3/16" = 1'-0"	A2.13
Project Number	21013	

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- New T/O Roof 29' - 3 3/8"
- T/O Roof 28' - 1 1/2"
- ASPHALT SHINGLES
- New Mid Point 23' - 7 5/8"
- Ex. Mid Point 22' - 8 1/4"
- T/O Plate 18' - 0"
- EXISTING PREFINISHED ALUMINUM EAVES AND SOFFIT
- EXISTING BRICK VENEER
- Second Floor 9' - 11"
- Living Room 5' - 7"
- Main Floor 0"
- FIN. FOYER -3' - 3 3/8"
- Average Grade -4' - 10"
- Basement -8' - 5"
- U/S FTG -9' - 5"

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MM/DD/YY

1 PROPOSED WEST ELEVATION
A2.14 3/16" = 1'-0"

No.	Description	Date	By	PROPOSED ADDITION	CONTRACTOR SHALL CHECK DIMENSIONS	DRAWING NAME
				60 Herbert Wales Cres	Drawn by RC	Proposed West Elevation
				MARKHAM, ON	Date 2021-05-01	SHEET NUMBER
					Scale 3/16" = 1'-0"	A2.14
					Project Number 21013	 ZERO DEGREE STUDIO <small>80 MICRO COURT, SUITE 106 MARKHAM ON L3R 9Z5 info@zerodegreestudio.ca</small>

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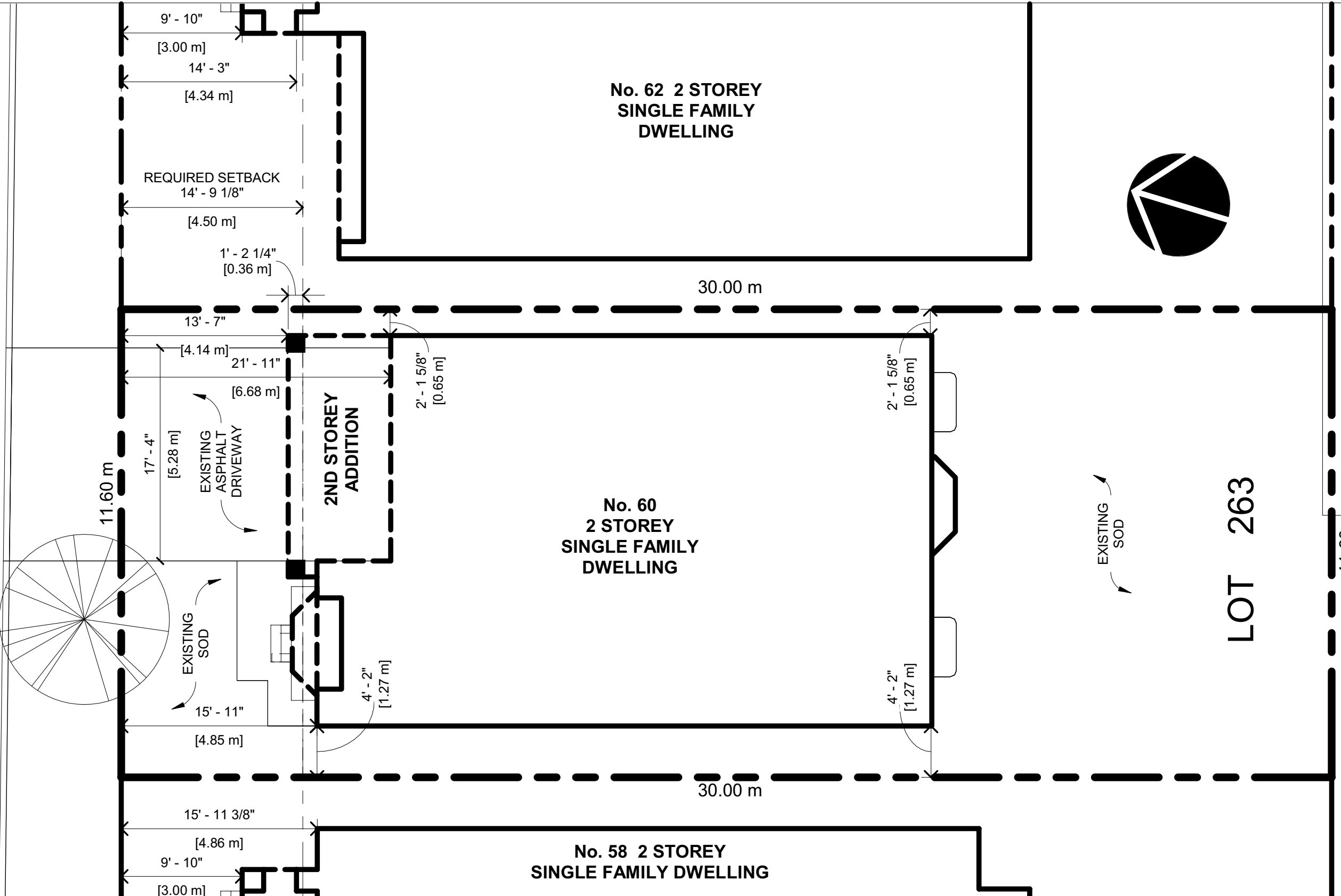
HERBERT WALES CRESCENT

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MM/DD/YY



No.	Description	Date	By

PROPOSED ADDITION

60 Herbert Wales Cres

MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS	
Drawn by	RC
Date	2021-05-01
Scale	1 : 100
Project Number	21013

DRAWING NAME	SITE PLAN
SHEET NUMBER	SD1

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2 Existing - Front Perspective
SK1

1 Proposed - Front Perspective
SK1

No.	Description	Date	By

PROPOSED ADDITION

60 Herbert Wales Cres

MARKHAM, ON

CONTRACTOR SHALL CHECK DIMENSIONS

Drawn by	RC
Date	2021-05-01
Scale	
Project Number	21013

DRAWING NAME

Perspective

SHEET NUMBER

SK1



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MARKHAM ON L3R 9Z5
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APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/157/22

1. The variances apply only to the proposed development as long as it remains;
2. That the variance applies only to the subject development, in substantial conformity with the plan(s) attached as Appendix "B" - Plans to this Staff Report 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 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 Manager of By-law Enforcement & Regulatory Services Division.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Hussnain Mohammad". The signature is written in a cursive, flowing style.

Hussnain Mohammad, Development Technician, Zoning and Special Projects