

Memorandum to the City of Markham Committee of Adjustment

November 22, 2022

File: A/167/22
Address: 15 Fairway Heights Crescent, Thornhill
Applicant: SPRAGGE + COMPANY ARCHITECTS LTD. (TOM SPRAGGE)
Owner: Hugo Blasutta
Hearing Date: Wednesday, January 18, 2023

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

The applicant is requesting relief from the following requirements “Third Density – Single Family Special Residential” (SR3) zone requirements under By-law 1767, as amended, as it relates to a proposed two-storey single detached dwelling:

a) Amending By-law 100-90; Section 1.2(iii):

a maximum building depth of 20.64 metres, whereas the By-law permits a maximum building depth of 16.80 metres;

BACKGROUND

Property Description

The 1,395.10 m² (15,016.73 ft²) subject property is located on the south side of Fairway Heights Crescent, north of Steeles Avenue East and west of Leslie Street. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is a 400 m² (4,305.56 ft²) two-storey single detached dwelling that exists on the subject property, which according to assessment records was constructed in 1970. Mature vegetation exists on the property, including mature trees in the front and rear yards.

Proposal

The applicant is proposing to construct a two-story single detached dwelling with a Gross Floor Area of 468.52 m² (5043.11 ft²). The proposed dwelling will have a maximum building depth of 20.64 m (67.72 ft.), including all covered porches. Excluding the covered porches, the maximum building depth is 15.85 meters (52.00 ft.) (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 Official Plan designates the subject property “Residential Low Rise”, which provides for 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. Regard shall also be had for the retention of existing trees and vegetation.

Zoning By-Law 1767

The subject property is zoned “Third Density– Single Family Detached Dwelling Special Residential (SR3)” under By-law 1767, as amended, which permits single detached dwellings. The proposed development does not comply with the by-law requirement with respect to maximum building depth.

Residential Infill Zoning By-law

The subject property is also subject to the Residential Infill Zoning By-law 100-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to building depth.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) on May 25, 2022 to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on September 6, 2022. The applicant has not conducted a Zoning Preliminary Review for the revised drawings, however, Zoning staff have provided confirmation via email that the requested variances for the updated drawings are correct.

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 relief to permit a maximum building depth of 20.64 m (67.72 ft.), whereas a maximum building depth of 16.80 m (55.12 ft.) is permitted. This represents an increase of approximately 3.63 m (11.91 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 which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The variance includes a front and rear covered porch which adds approximately 4.58 m (15.03 ft.) to the overall depth of the building. The main component of the building, excluding the porches, has a depth of 15.85 m (52.0 ft.) which complies with the by-law requirement. Staff have no concern with this variance request as it is generally consistent with the adjacent properties and the main component of the building satisfies the maximum building depth permitted of 16.8 m (55.12 ft.).

EXTERNAL AGENCIES

Metrolinx Comments

Metrolinx commented on November 10, 2022 (Appendix C), requesting that, as a condition of approval, the Applicant enters into an agreement to grant Metrolinx an environmental easement for “Operational Emissions”, registered on title against the subject residential dwelling in favour of Metrolinx as the property is located within 300 m (984.25 ft.) of the rail corridor right-of-way. Metrolinx has provided wording for the requested environmental easement which references details related to “Operational Emissions” as detailed in Appendix “D”.

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 requested variance to permit a maximum building depth of 20.64 metres 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 “A” for conditions to be attached to any approval of this application.

APPENDICES


Appendix “A” – A/167/22 Conditions of Approval

Appendix “B” – Aerial Photo

Appendix “C” – Plans

Appendix “D” – Metrolinx Comments

PREPARED BY:



Aaron Chau, Development Technician, Zoning and Special Projects

REVIEWED BY:



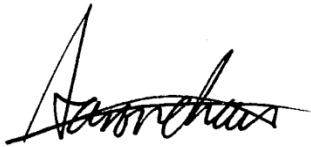
Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

APPENDIX "A"

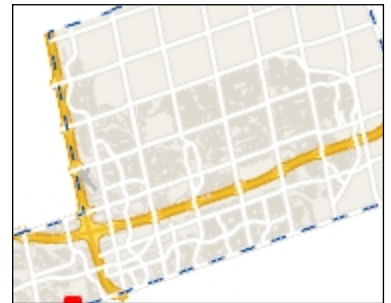
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/167/22

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 C' to this Staff Report and received by the City of Markham on November 12, 2022, 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 the Applicant satisfies the requirements of Metrolinx, as indicated in their letter to the Secretary-Treasurer attached as Appendix "D" to this Staff Report, and that the Secretary-Treasurer receives written confirmation that the conditions has been fulfilled to the satisfaction of Metrolinx.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written in a cursive style.

Aaron Chau, Development Technician, Zoning and Special Projects



Legend
 Subject Lands -
 15 Fairway Heights Crescent

1: 2,257



DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

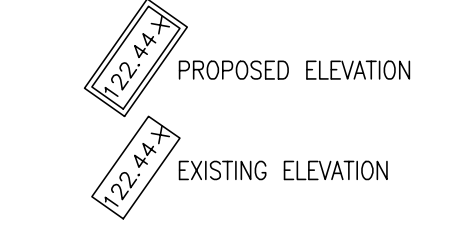
Notes

PART 1:
 PLAN OF LOT 68
 REGISTERED PLAN 6350
 CITY OF MARKHAM

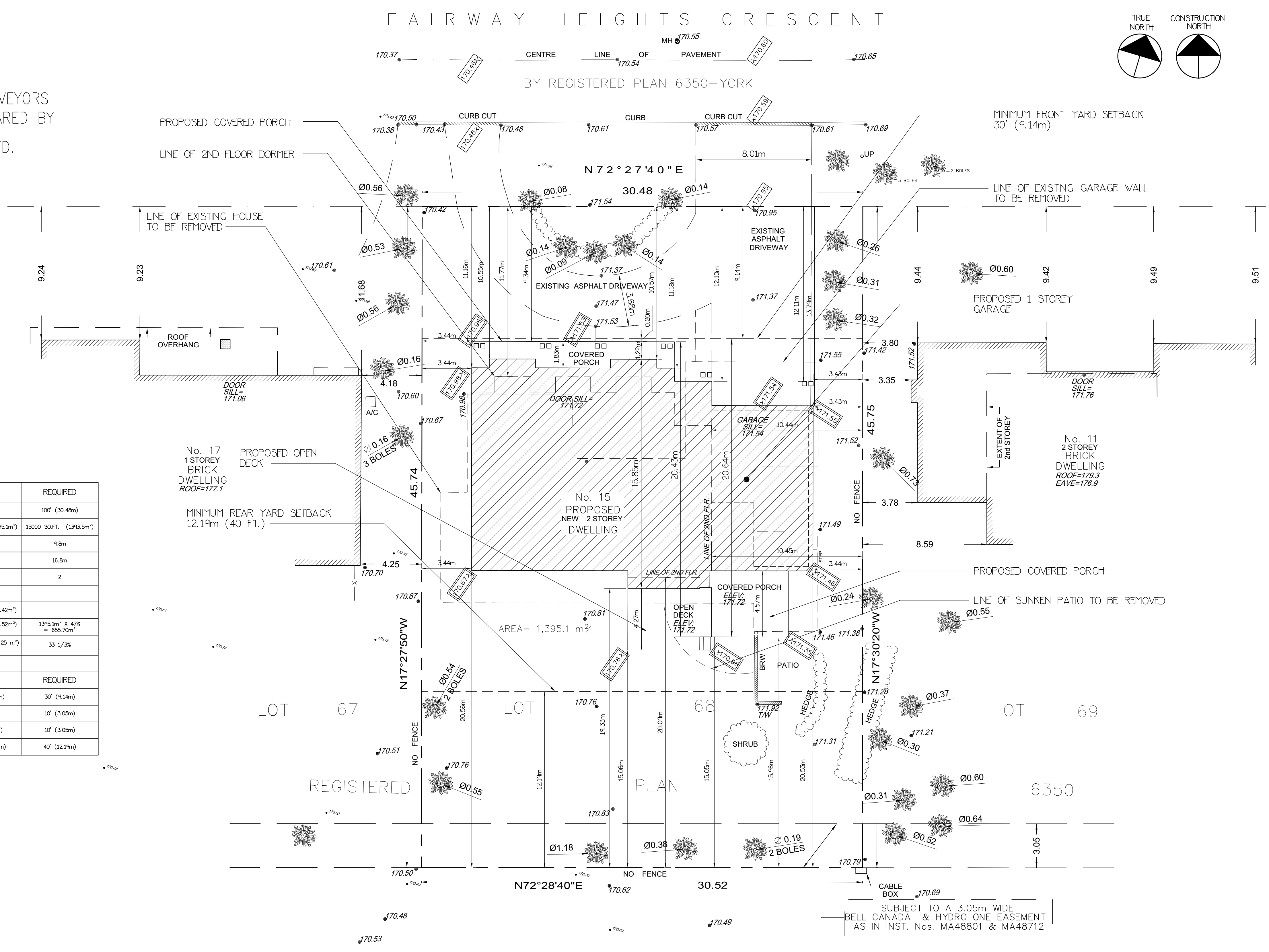
INFORMATION TAKEN FROM SURVEYORS
 REAL PROPERTY REPORT PREPARED BY
 AKSAN PILLER CORPORATION LTD.
 ONTARIO LAND SURVEYORS
 FEBRUARY 17, 2022

SITE AREA = 15016.73 SQ.FT. (1395.1 SQ.M)
 ALLOWABLE COVERAGE (33.3%) = 5000.57 SQ.FT. (464.57 SQ.M)
 PROPOSED COVERAGE (29.3%) = 4405.09 SQ.FT. (409.25 SQ.M)

SITE DATA		
	PROPOSED	
	sq. feet	sq.meters
GROUND FLOOR (LESS 59.68 SQ.M GARAGE)	2817.30	261.74
SECOND FLOOR	2225.85	206.79
TOTAL	5043.15	468.52



DESCRIPTION	EXISTING	PROPOSED	REQUIRED
MIN. LOT FRONTAGE		30.48m	100' (30.48m)
MIN. LOT AREA		15016.73 SQ.FT. (1395.1m ²)	15000 SQ.FT. (1393.5m ²)
MAX. BUILDING HEIGHT		9.8m	9.8m
MAX. BUILDING DEPTH		15.85m	16.8m
NO. OF STORES		2	2
DRIVEWAY WIDTH	8.01m	8.01m	
BUILDING AREA		3494.74 SQ.FT. (321.42m ²)	
GROSS FLOOR AREA		5043.15 SQ.FT. (468.50m ²) = 33.6%	1395.1m ² x 47% = 655.70m ²
MAX. LOT COVERAGE		4405.09 SQ.FT. (409.25 m ²) = 29.3%	33 1/3%
SETBACK	EXISTING	PROPOSED	REQUIRED
FRONT (NORTH)		34'-7.5" (10.55m)	30' (9.14m)
SIDE (EAST)		11'-3" (3.43m)	10' (3.05m)
SIDE (WEST)		11'-3.5" (3.44m)	10' (3.05m)
REAR (SOUTH)		65'-4.75" (19.93m)	40' (12.19m)



PART 1 - PLAN 65R-16867
 LOT 1, CONCESSION 2

RESIDENCE
15 FAIRWAY HEIGHTS CRESCENT
 THORNHILL ONTARIO

SPRAGGE + COMPANY
 ARCHITECTS LTD.

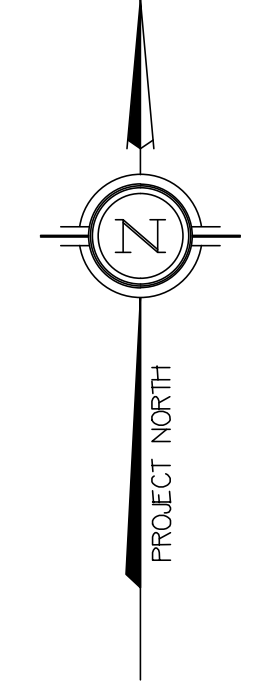
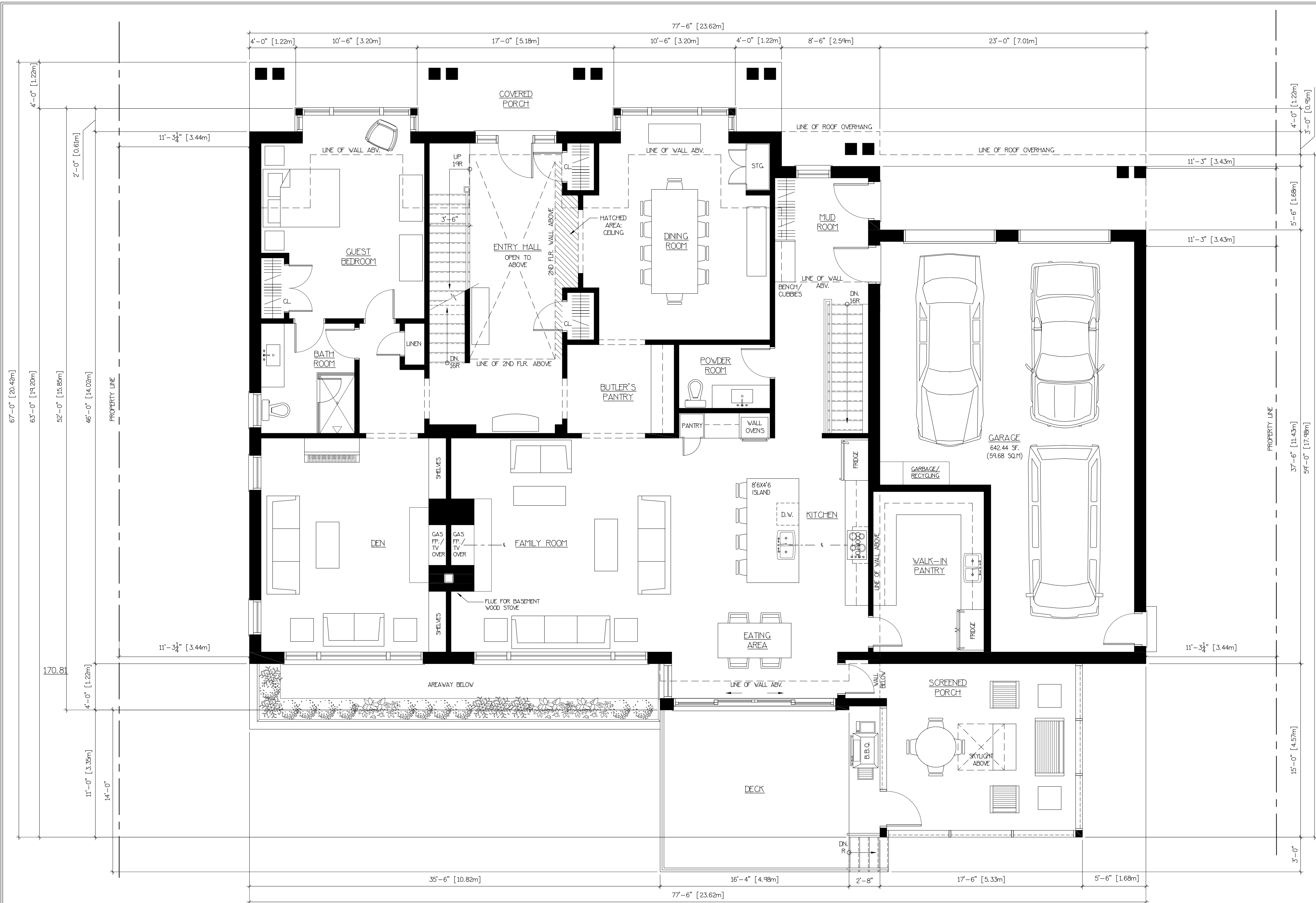
156 DUNCAN MILL ROAD
 TORONTO, ONTARIO

PROPOSED SITE PLAN

APRIL 13, 2022
 MAY 24, 2022
 SEPTEMBER 6, 2022

22-2226

1:150 metric



PROPOSED GROUND FLOOR PLAN

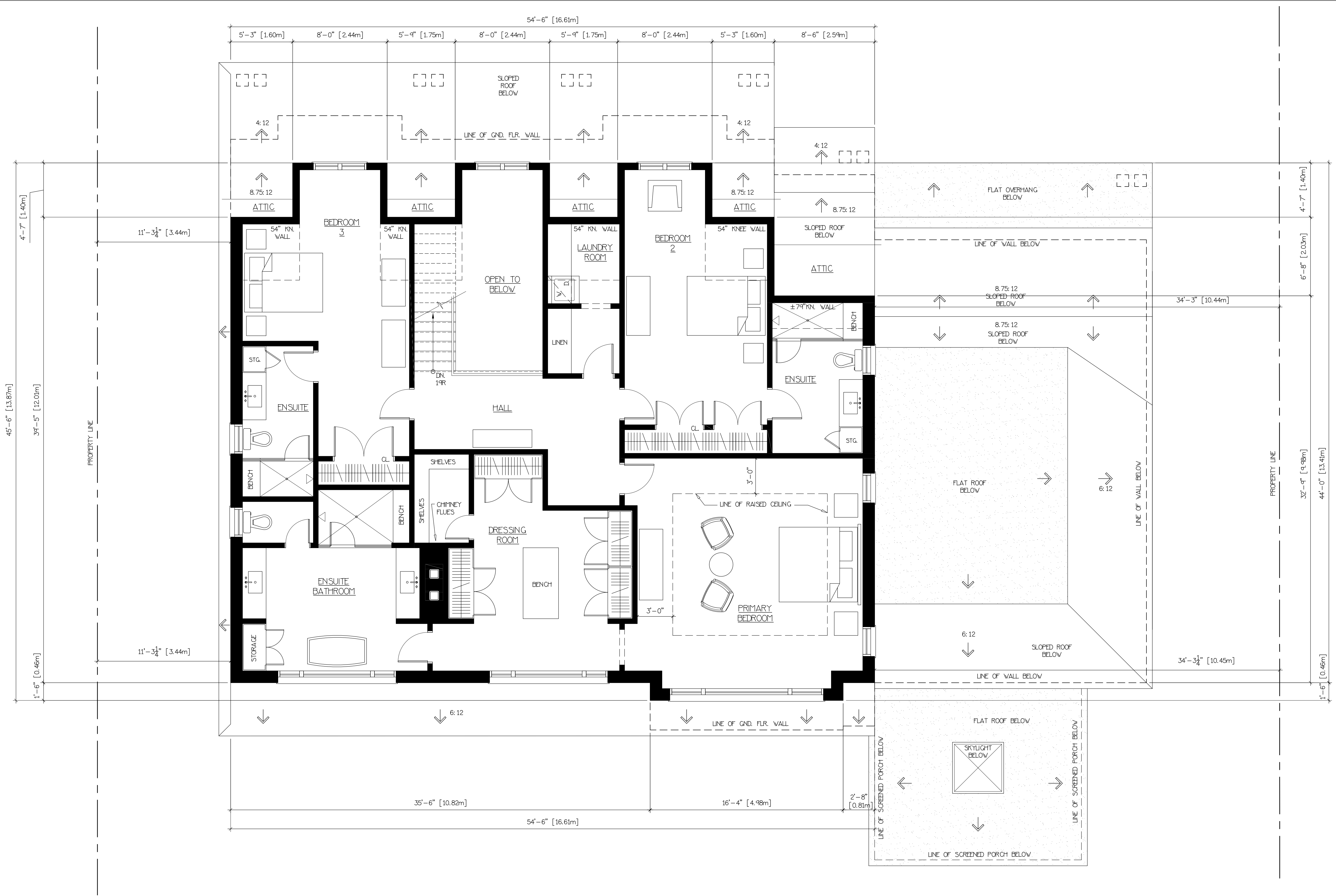
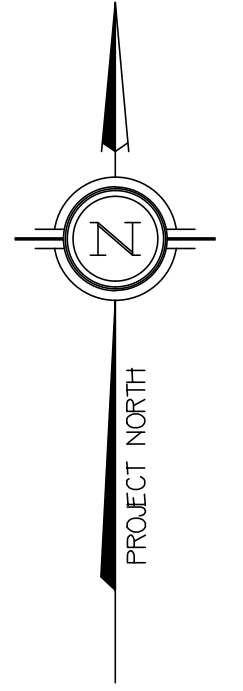
APRIL 13, 2022

RESIDENCE
 15 FAIRWAY HEIGHTS CRESCENT
 THORNHILL ONTARIO
 SPRAGGE + COMPANY
 ARCHITECTS LTD.

156 DUNCAN MILL ROAD
 TORONTO, ONTARIO

22-2226

1/4"=1'-0"



PROPOSED SECOND FLOOR PLAN

APRIL 13, 2022

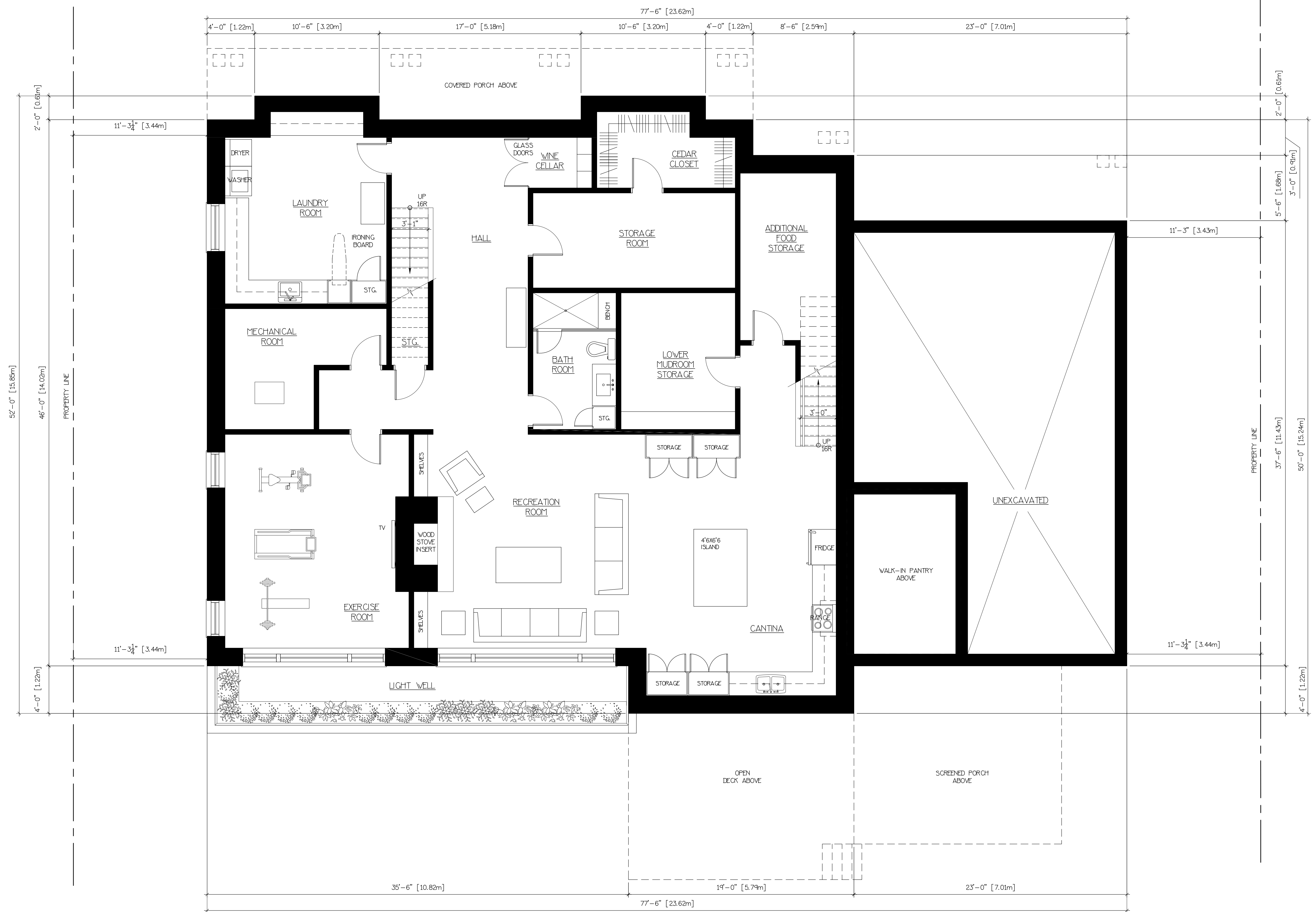
RESIDENCE
 15 FAIRWAY HEIGHTS CRESCENT
 THORNHILL ONTARIO

SPRAGGE + COMPANY
 ARCHITECTS LTD.

156 DUNCAN MILL ROAD
 TORONTO, ONTARIO

22-2226

1/4"=1'-0"



PROPOSED BASEMENT FLOOR PLAN

APRIL 13, 2022

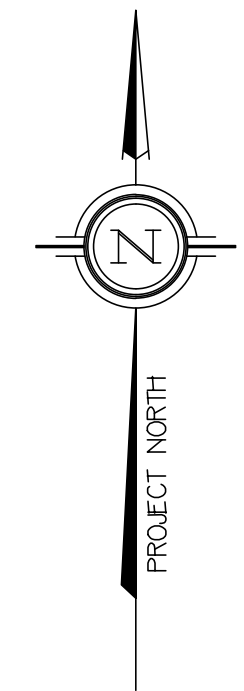
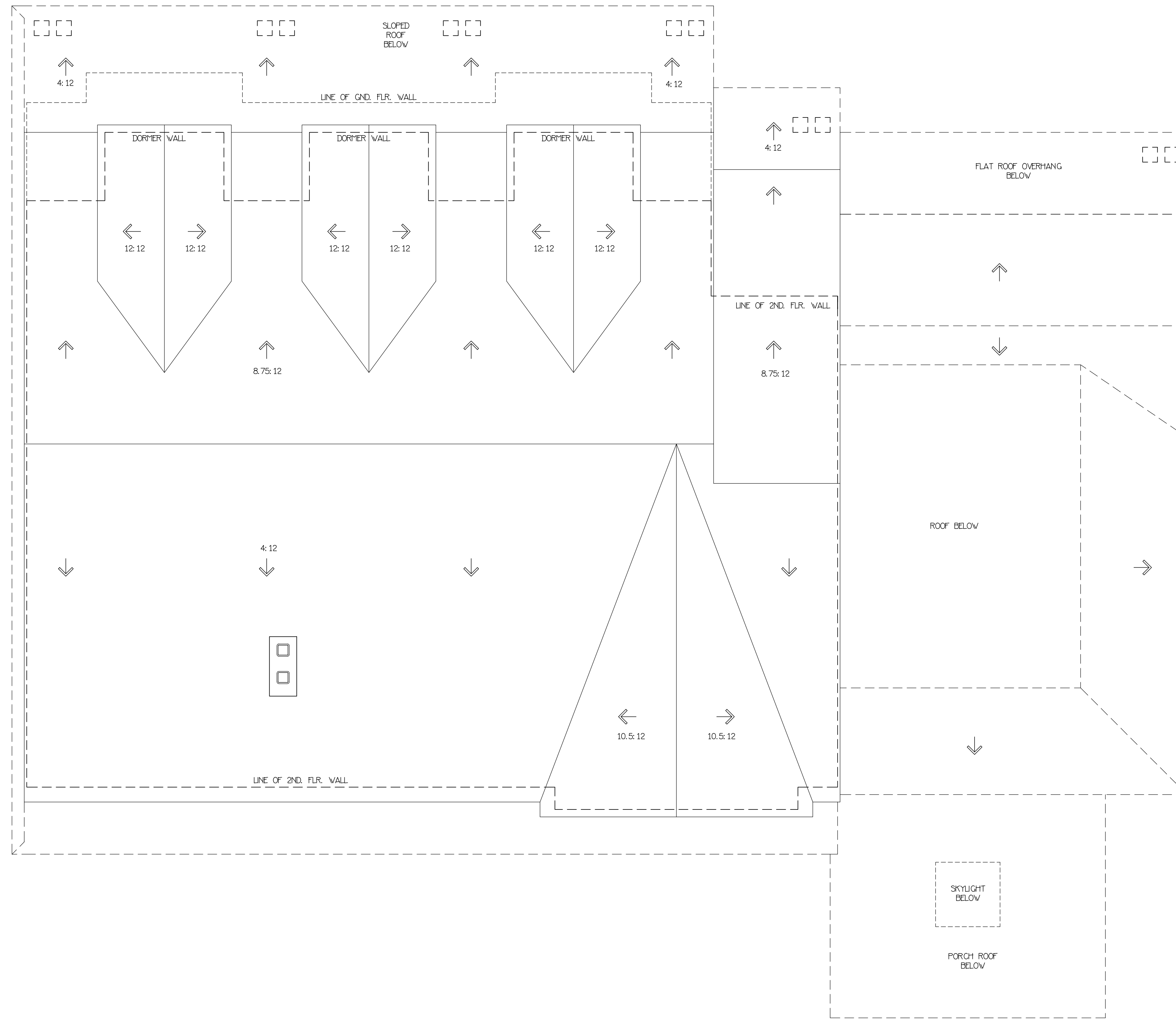
RESIDENCE
15 FAIRWAY HEIGHTS CRESCENT
 THORNHILL ONTARIO

SPRAGGE + COMPANY
 ARCHITECTS LTD.

156 DUNCAN MILL ROAD
 TORONTO, ONTARIO

22-2226

1/4"=1'-0"



PROPOSED ROOF PLAN
 APRIL 13, 2022

RESIDENCE
 15 FAIRWAY HEIGHTS CRESCENT
 THORNHILL ONTARIO

22-2226
 1/4"=1'-0"

SPRAGGE + COMPANY
 ARCHITECTS LTD.
 156 DUNCAN MILL ROAD
 TORONTO, ONTARIO



PROPOSED NORTH ELEVATION

April 13, 2022

RESIDENCE
 15 FAIRWAY HEIGHTS CRESCENT
 THORNHILL ONTARIO

SPRAGGE + COMPANY
 ARCHITECTS LTD.

156 DUNCAN MILL ROAD
 TORONTO, ONTARIO

22-2226

1/4"=1'-0"



PROPOSED SOUTH ELEVATION

APRIL 13, 2022

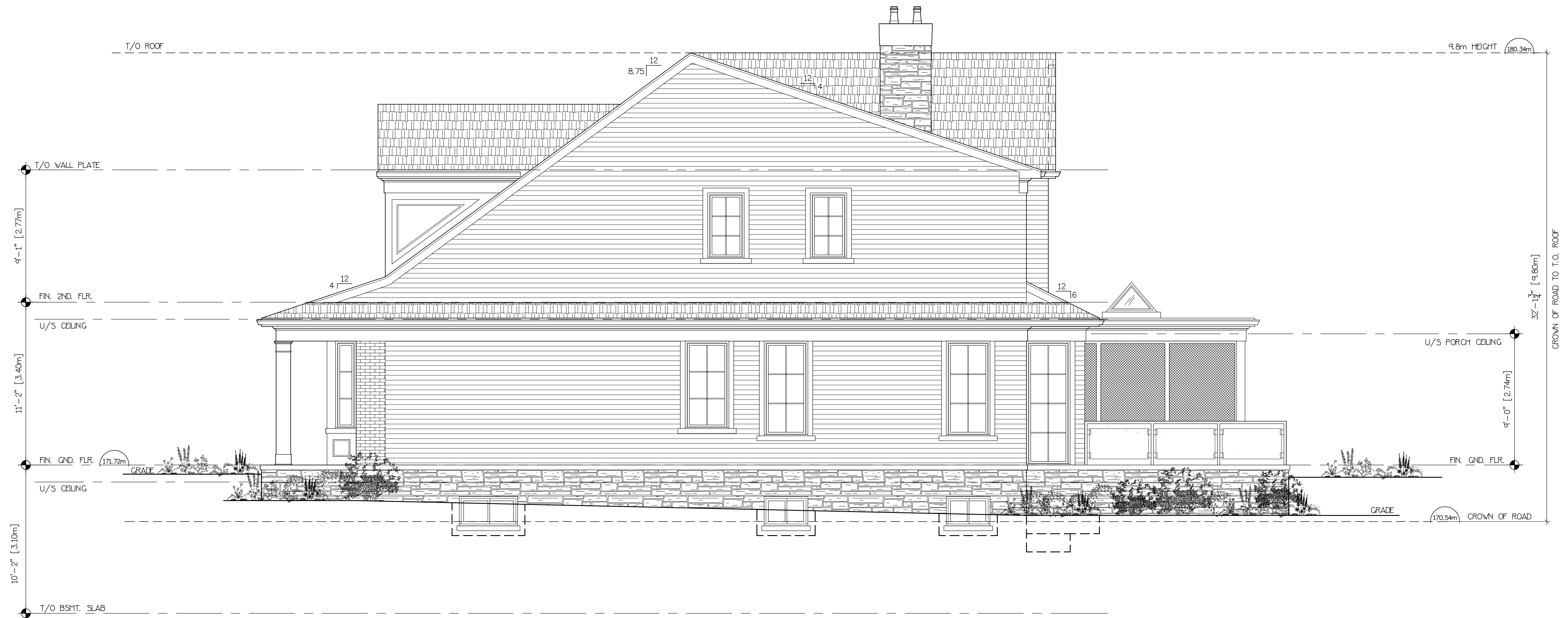
RESIDENCE
 15 FAIRWAY HEIGHTS CRESCENT
 THORNHILL ONTARIO

SPRAGGE + COMPANY
 ARCHITECTS LTD.

156 DUNCAN MILL ROAD
 TORONTO, ONTARIO

22-2226

1/4"=1'-0"



PROPOSED WEST ELEVATION

APRIL 13, 2022

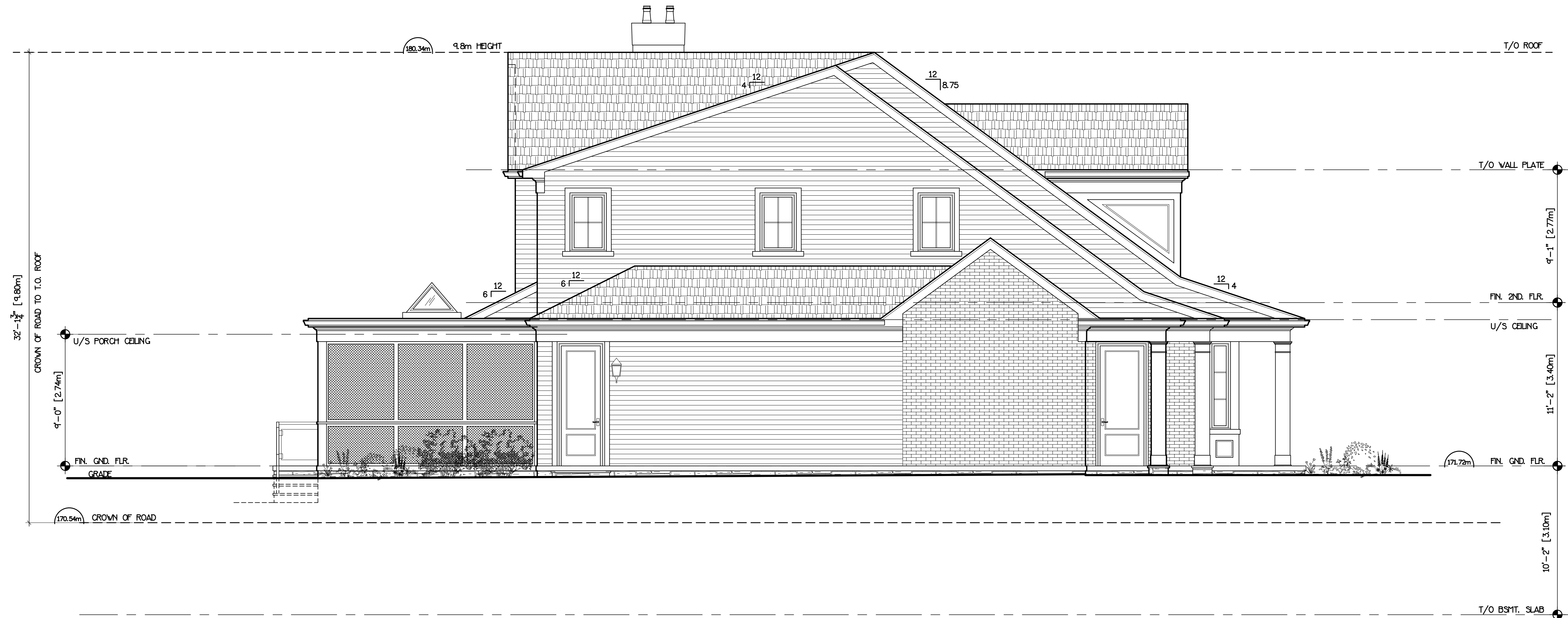
RESIDENCE
 15 FAIRWAY HEIGHTS CRESCENT
 THORNHILL ONTARIO

SPRAGGE + COMPANY
 ARCHITECTS LTD.

156 DUNCAN MILL ROAD
 TORONTO, ONTARIO

22-2226

1/4"=1'-0"



PROPOSED EAST ELEVATION

APRIL 13, 2022

RESIDENCE
 15 FAIRWAY HEIGHTS CRESCENT
 THORNHILL ONTARIO

22-2226

1/4"=1'-0"

SPRAGGE + COMPANY
 ARCHITECTS LTD.

156 DUNCAN MILL ROAD
 TORONTO, ONTARIO

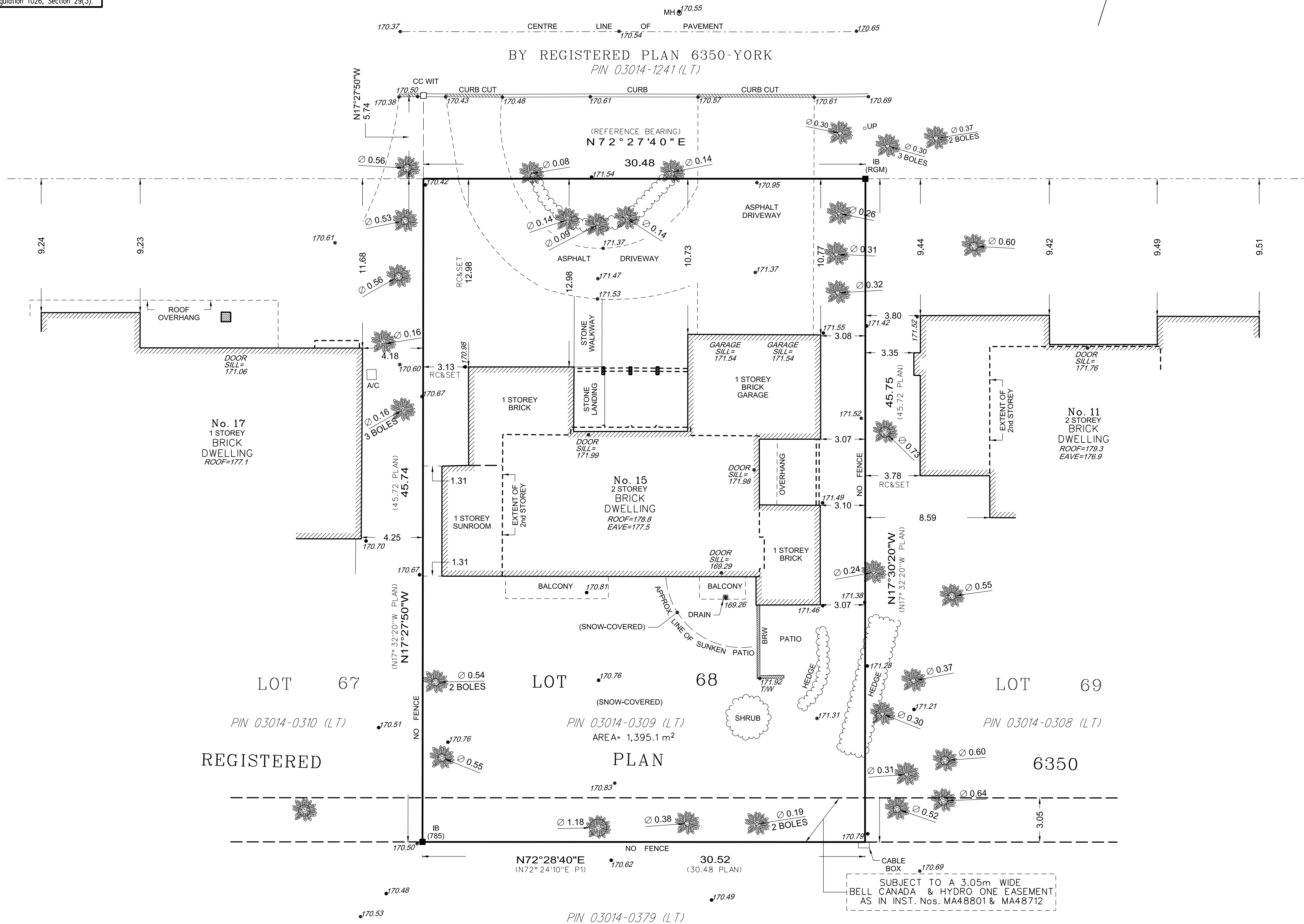


THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR.
In accordance with
Regulation 1026, Section 29(3).

SCALE 1 : 200
AKSAN PILLER CORPORATION LTD.

FAIRWAY HEIGHTS CRESCENT

BY REGISTERED PLAN 6350-YORK
PIN 03014-1241 (LT)



PART 2:
PREPARED FOR HUGO BLASUTTA & RITA BERTOSSIO
LOCATION OF THE BUILDING: WHOLLY ON THE PROPERTY,
EAVES: CLEAR,
UTILITY BUILDINGS: AS SHOWN ON PART 1,
SWIMMING POOLS: NONE,
EXISTING FENCES: NONE,
EASEMENTS: AS SHOWN ON PART 1,
DRIVEWAY: AS SHOWN ON PART 1.

- LEGEND:
- DENOTES MONUMENT FOUND
 - DENOTES MONUMENT PLANTED
 - CC DENOTES CUT CROSS
 - CP DENOTES CONCRETE PIN
 - IB DENOTES IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - WIT DENOTES WITNESS MONUMENT
 - O/U DENOTES ORIGIN UNKNOWN
 - N DENOTES NORTH
 - S DENOTES SOUTH
 - E DENOTES EAST
 - W DENOTES WEST
 - Fc DENOTES FENCE
 - CLF DENOTES CHAIN LINK FENCE
 - BF DENOTES BOARD FENCE
 - BRW DENOTES BRICK RETAINING WALL
 - UP DENOTES UTILITY POLE
 - MH DENOTES MANHOLE
 - PLAN DENOTES REGISTERED PLAN 6530
 - P1 DENOTES PLAN 65R-16867
 - 785 DENOTES B.J. HAYNES, O.L.S. (June 28, 1996)
 - RC DENOTES RABIDEAU & CZERWINSKI, O.L.S. (Feb. 16, 1984)
 - RGM DENOTES R.G. MCKIBBON, O.L.S. (Feb. 16, 1984)

00.50 DENOTES TREE TRUNK DIAMETER

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARING NOTE:
BEARINGS ARE REFERRED TO THE SOUTHERLY LIMIT OF FAIRWAY HEIGHTS CRESCENT AS SHOWN ON REGISTERED PLAN 6530 HAVING AN ASTROMOMIC BEARING OF N72°27'40\"/>

ELEVATIONS NOTE:
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED FROM THE CITY OF MARKHAM BENCH MARK M-03-012, ELEVATION = 157.628 m.

CAUTION:
TREE CALIPERS ARE NOT TO ARBORIST STANDARDS AND ARE DEFINED AT 1.4m ABOVE GRADE AT TREE FOR ARBORIST CALIPER REFER TO ARBORIST REPORT.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;
2. THE SURVEY WAS COMPLETED ON THE 16th DAY OF FEBRUARY, 2022.

Helmut Piller
Helmut Piller
Ontario Land Surveyor

FEBRUARY 17, 2022
DATE
AKSAN PILLER CORPORATION LTD
ONTARIO LAND SURVEYORS
943 MT PLEASANT ROAD, TORONTO, ONTARIO, M4P 2L7
(T) 416-488-1174 (E) ap@opsurveys.ca (W) www.opsurveys.ca
CALC: MU DRAWN: MFA CHECKED: HP
reference number: 21-24-14456-00

NOTE:
THIS SURVEY WAS CARRIED OUT UNDER HEAVY WINTER SNOW CONDITIONS AND SOME AT GROUND FEATURES MAY NOT HAVE BEEN CAPTURED AND SHOWN HEREON.

LOT 1, CONCESSION 2

APPENDIX "D"
METROLINX COMMENTS: November 10 2022

Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "**Easement Lands**");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "**Operational Emissions**").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.