

Memorandum to the City of Markham Committee of Adjustment

October 26, 2023

File: A/183/23
Address: 172 Billingsley Crescent, Markham
Applicant: AEM Designs (Ravinder Singh)
Agent: AEM Designs (Ravinder Singh)
Hearing Date: Wednesday, November 29, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of By-law 90-81, First Density – Street Townhouse Residential (RST1), as amended, as they relate to a side yard below grade entrance for a proposed basement unit.

a) By-law 90-81, Section 4.6 (b):

an encroachment of 1.17metres for below grade entrance, whereas the by-law permits a maximum encroachment of 0.45 metres

b) By-law 28-97, Section 6.2.4.2 (b):

a driveway width of 6.52m, whereas the by-law permits a driveway width of 5.0m; and

c) By-law 28-97, Section 6.2.4.2 (b)(i):

a minimum of 0% soft landscaping, whereas the by-law permits a minimum of 25% soft landscaping in the front or exterior side yard in which the driveway is located.

BACKGROUND

Property Description

The 232.42 m² (2,501.83 ft²) subject property is located on the east side of Billingsley Crescent, north of Steeles Avenue East and east of Markham Road. The property is located within an established residential neighbourhood comprised of a mix single detached dwellings and street townhouse house dwellings.

The property is a two-storey townhouse dwelling with an integral garage. There is one tree located in the rear yard.

Proposal

The applicant is requesting permission for a below grade entrance on the east side of the dwelling to facilitate a proposed secondary suite. The applicant is further requesting variances to the driveway width and associated landscaping to recognize an existing site condition.

Official Plan and Zoning

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

The subject property is designated “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. This criteria is established to ensure that the development

is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, and the width of proposed garages and driveways.

Zoning By-Law 90-81

The subject property is zoned First Density – Street Townhouse Residential (RST1) under By-law 90-81, as amended, which permits townhouse dwellings.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner 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 to confirm the initial variances. 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 Uncovered Platform/Steps Encroachment

The applicant is requesting an uncovered steps encroachment of 1.17 m (3.84 ft) into the required interior side yard whereas the By-law permits no more than a 0.45 metre encroachment into the required interior side yard.

The variance applies to a below grade entrance on the south side of the dwelling which provides direct access to the proposed secondary dwelling unit. Staff are of the opinion that the requested variance is minor in nature and considered an appropriate use of land.

Increase in Maximum Driveway Width

Staff note that the driveway currently has a width of 6.52m (21.39 ft) where the By-law permits the driveway width to be 2m (6.56 ft) beyond the garage door, which in this case, the maximum permitted driveway width is approximately 5m (16.40 ft).

The requested variance is a result of an existing site condition. It reduces the soft landscaping area to 0% which will detract from the streetscape. In addition, the increase in hard surfaces will reduce the opportunity for storm water to infiltrate into the ground thereby increasing water runoff into the storm sewer system. Staff are of the opinion that the requested variance will compromise the existing character of the community and cannot be supported.

Reduction in Soft Landscaping

Staff note that the front yard currently has a soft landscaping of 0%, whereas the by-law permits a minimum of 25% soft landscaping in the front or exterior side yard in which the driveway is located.

Staff are of the opinion that the absence of any landscaping in the front yard has adversely impacted the visual appearance of the property and streetscape. As such, staff are of the opinion that the variance is not considered appropriate for the land and cannot be supported.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 21, 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 requested variances A with respect to the encroachment for the below grade entrance meets the four tests of the Planning Act and have no objection. Requested variance B and C with respect to the driveway width and soft landscaping does not meet the four tests of the Planning Act and recommend the variance be denied. 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.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/183/23

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 batch stamped plans attached as Appendix B 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.

CONDITIONS PREPARED BY:

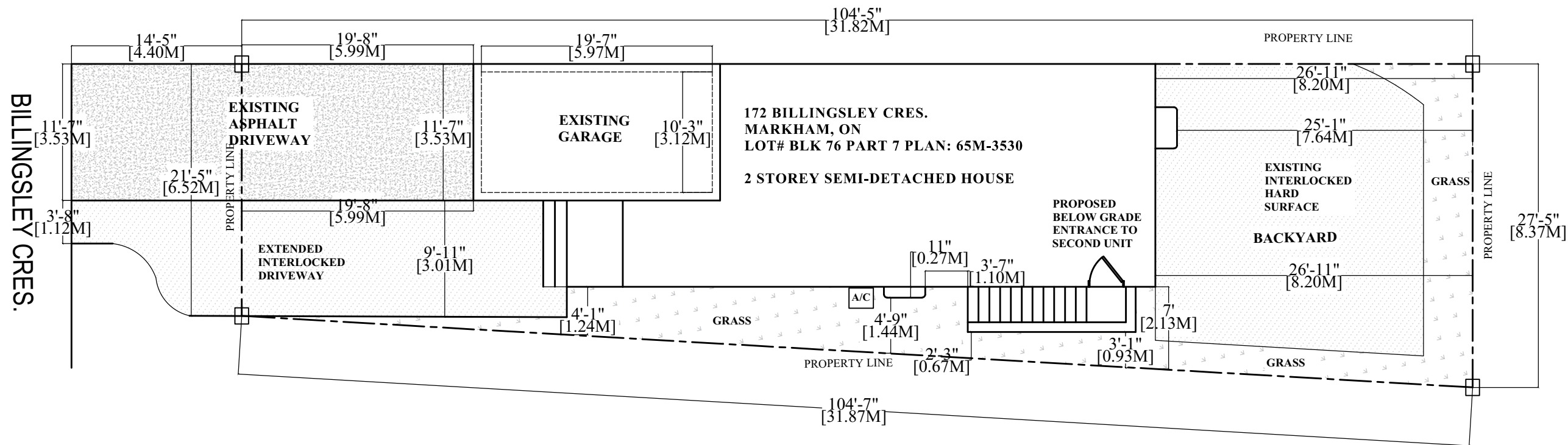


Brashanthe Manoharan, Planner II, East District

Appendix B

File: 23.142990.000.00.MNV

Date: 11/24/23
MM/DD/YY



EXISTING MAIN FLOOR AREA: 56.60 m²
 EXISTING SECOND FLOOR AREA: 72.31 m²
 PROPOSED BASEMENT APARTMENT AREA: 54.77 m²
 PARKING SPACES REQUIRED: 2 SPACES
 PARKING SPACES PROVIDED / AVAILABLE: 1 SPACE INSIDE GARAGE
 1 SPACE ON DRIVEWAY



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Project Title:

BASEMENT SECOND UNIT AND BELOW GRADE ENTRANCE

Project Address:

**172 BILLINGSLEY CRES.
MARKHAM, ON**

Drawing Title:

SITE PLAN

Scale:

1:125

Date:

May 19, 2023

Designed:

R.S.

Revision

0

Project No.

23040

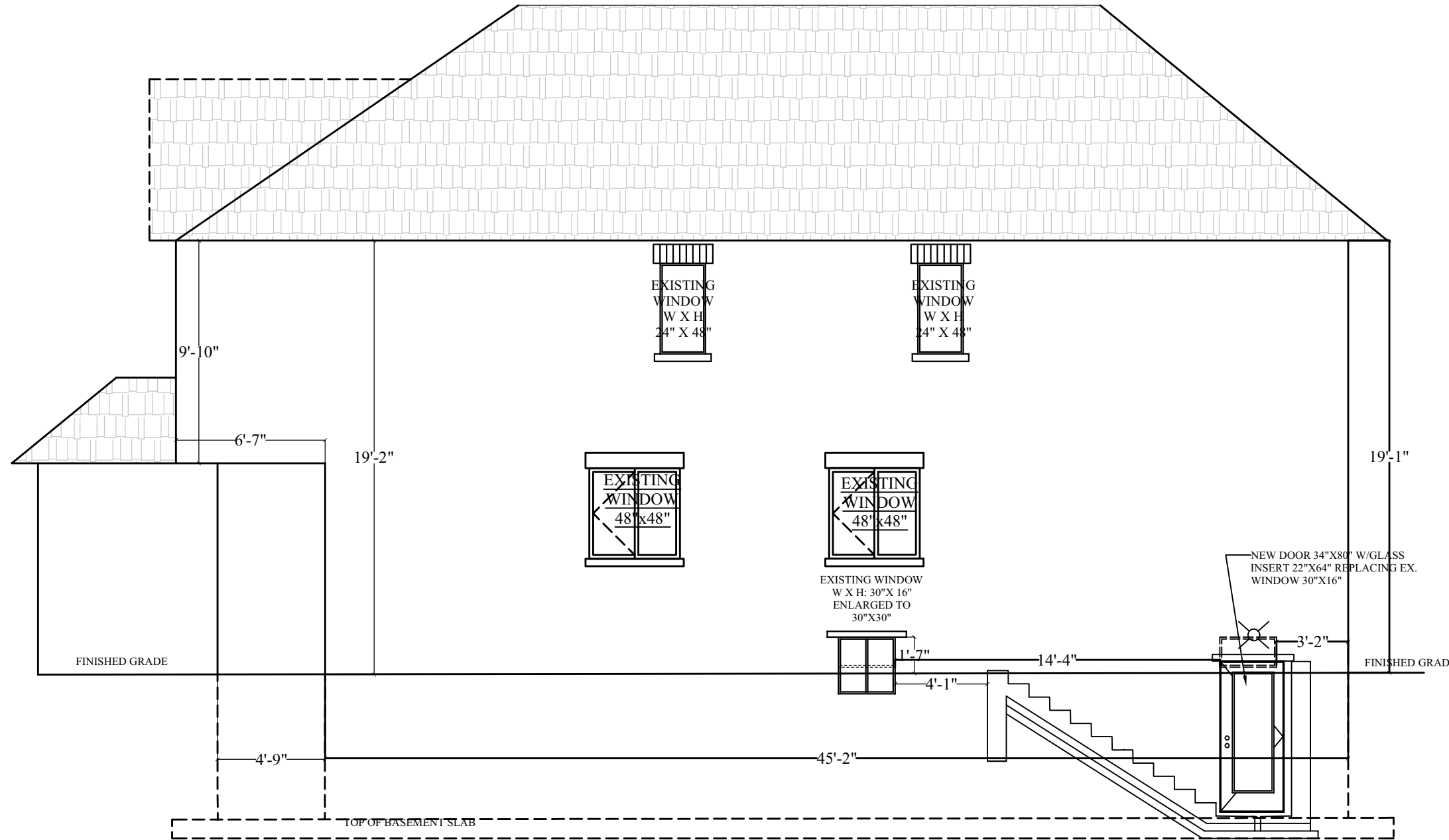
Sheet No.

A1.0

Appendix B

File: 23.142990.000.00.MNV
 Date: 11/24/23
 MM/DD/YY

TOTAL WALL AREA: 86.43 m²
 LIMITING DISTANCE: 7%
 OPENING ALLOWED: 6.05 m²
 OPENING WITH NEW WINDOW : 4.28 m²



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Project Title:
**BASEMENT SECOND
 UNIT AND BELOW
 GRADE ENTRANCE**

Project Address:
 172 BILLINGSLEY CRES.
 MARKHAM, ONTARIO

Drawing Title:
**RIGHT SIDE
 ELEVATION**

Scale: 1:75	Date: May 19, 2023
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Designed: R.S.	Revision 0
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Project No. 23040	Sheet No. A3.3
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