

Memorandum to the City of Markham Committee of Adjustment

April 6, 2022

File: A/012/22
Address: 3 Billy Joel Crescent Markham
Applicant: David Johnston Architect Ltd. (David Johnston)
Agent: David Johnston Architect Ltd. (David Johnston)
Hearing Date: Wednesday April 06, 2022

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

The applicant is requesting relief from the following requirements of the “One Family Detached Dwelling” (R1) zone under By-law 1229 and By-law 99-90, as amended, as it relates to a proposed two-storey detached dwelling, as follows:

a) By-law 99-90, Section 1.2 (ii):

a maximum depth of 21.0 meters, whereas the By-law permits a maximum depth of 16.8 meters;

b) By-law 99-90, Section 1.2 (i):

a maximum height of 10.71 meters, whereas the By-law permits a maximum height of 9.80 meters;

BACKGROUND

Property Description

The 1174.2 m² (12,640 ft²) subject property is located on the north side of Billy Joel Crescent, east of Rougecrest Drive and west of Rouge Valley. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

There is an existing one-storey single detached house on the property, which according to assessment records was constructed in 1964. There is no record of any minor variances approved for this address. Mature vegetation exists throughout the site.

Proposal

On January 21, 2022, the applicant submitted minor variance application A/012/22 requesting permission to construct a new two-storey single detached dwelling with a building depth of 21 m (68.9 ft.) and building height of 10.71 m (35.13 ft.). As submitted, the proposed dwelling exceeds the maximum depth and height permitted in amending By-law 99-90. The applicant is also proposing to relocate the garage and the driveway from the existing right (north) side of the property to the left (south) side of the property to improve vehicular access to the site. The relocation of the driveway would result in the removal of two small trees and a mature Colorado Blue Spruce tree that is in poor condition (*Arborist Report and Tree Preservation Plan* by GreenPrint Consulting Arborists dated January 22, 2022).

Through the review of the application, Staff advised that the placement of the proposed dwelling that was submitted in support of the variance application on January 21, 2022 would result in the removal of a healthy mature maple tree within the rear yard. In order to address staff concerns regarding removal of the maple tree, the applicant submitted

revised drawings on March 31, 2022 which proposes to shift the dwelling eastward, away from the maple tree and its tree protection zone.

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 8.2.3.1 of the 2014 Official Plan outlines the general policies for land designated “Residential Low Rise”. In considering applications for development approval on lands designated “Residential Low Rise”, the City shall ensure minor variance respects the adjacent developments.

Zoning By-Law 90-81

The subject property is zoned “One-family Detached Dwelling R1 “under By-law 1229, as amended, which permits single detached use.

Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. 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 maximum building depth (Section 1.2 (ii)) and maximum building height (Section 1.2 (i)).

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. As stated above, the applicant submitted revised drawings on March 31, 2022. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, Staff advise that 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

Staff recommend the application be deferred

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 21 m (68.89 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 4.2 m (13.77 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. Given the irregular shape and the configuration of the lot, building depth is measured on an angle through the proposed building, resulting in a building depth larger than the actual depth of the house.

The building length includes front and rear covered porches, which adds approximately 3.31 m (10.85 ft) to the overall depth of the building. The main component of the building, excluding the porches, has a depth of 15.48 m (50.78 ft) which complies with the by-law requirement. Staff have no concerns with the proposed increase to the proposed building depth.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.7 m (35.1 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.9 m (2.95 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 1 m (3.33 ft.) above the crown of road.

Staff have no objection to the approval of the proposed variances as they meet the four tests.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 1, 2022. 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.

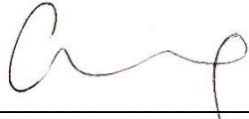
Please see Appendix "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix A: Conditions of Approval

Appendix B: Architectural Drawings

PREPARED BY:



Carman Yeung, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 22 110154 \Documents\District Team Comments Memo

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/012/22

1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the batch stamped plans attached as Appendix “B” to this Staff Report, and that the Secretary-Treasurer receives written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City’s Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan. Please note that additional tree protection or injury mitigation measures may be required, at the discretion of the Tree Preservation Technician, upon a detailed review of the Tree Assessment and Preservation Plan;
4. 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 Director of Operations.
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations;

TOPOGRAPHIC SURVEY OF
PART OF LOT 2
REGISTERED PLAN 5879
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1 : 200



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METRIC

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

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED
TO THE CITY OF MARKHAM BENCHMARK No.41
HAVING AN ELEVATION OF 175.551 METRES.

LEGEND

Symbol	Denotes	Description
MH	"	MANHOLE
WV	"	WATER VALVE
GS	"	GARAGE SILL
HP	"	HYDRO POLE
FH	"	FIRE HYDRANT
DS	"	DOOR SILL
CR	"	CENTERLINE
HM	"	HYDRO METER
SWW	"	STONE WALKWAY
SWI	"	INTERLOCKING SIDEWALK
O/H	"	OVERHEAD
PIN	"	PROPERTY IDENTIFIER NUMBER
Ø	"	DIAMETER
⊙	"	DECIDUOUS TREE
★	"	CONIFEROUS TREE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN
WERE COMPLETED ON THE 21ST DAY OF JULY, 2021.

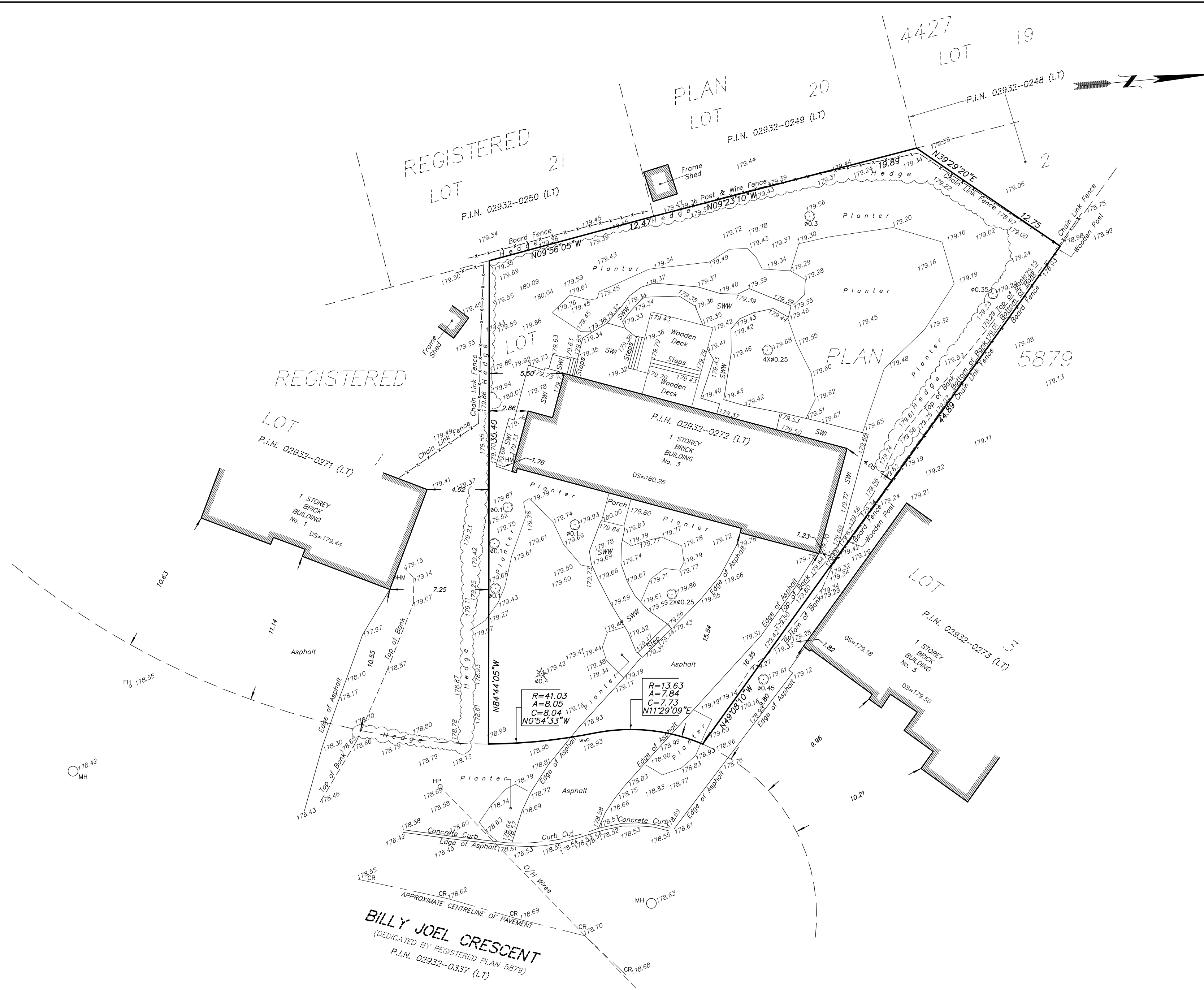
SEPTEMBER 09, 2021
DATE

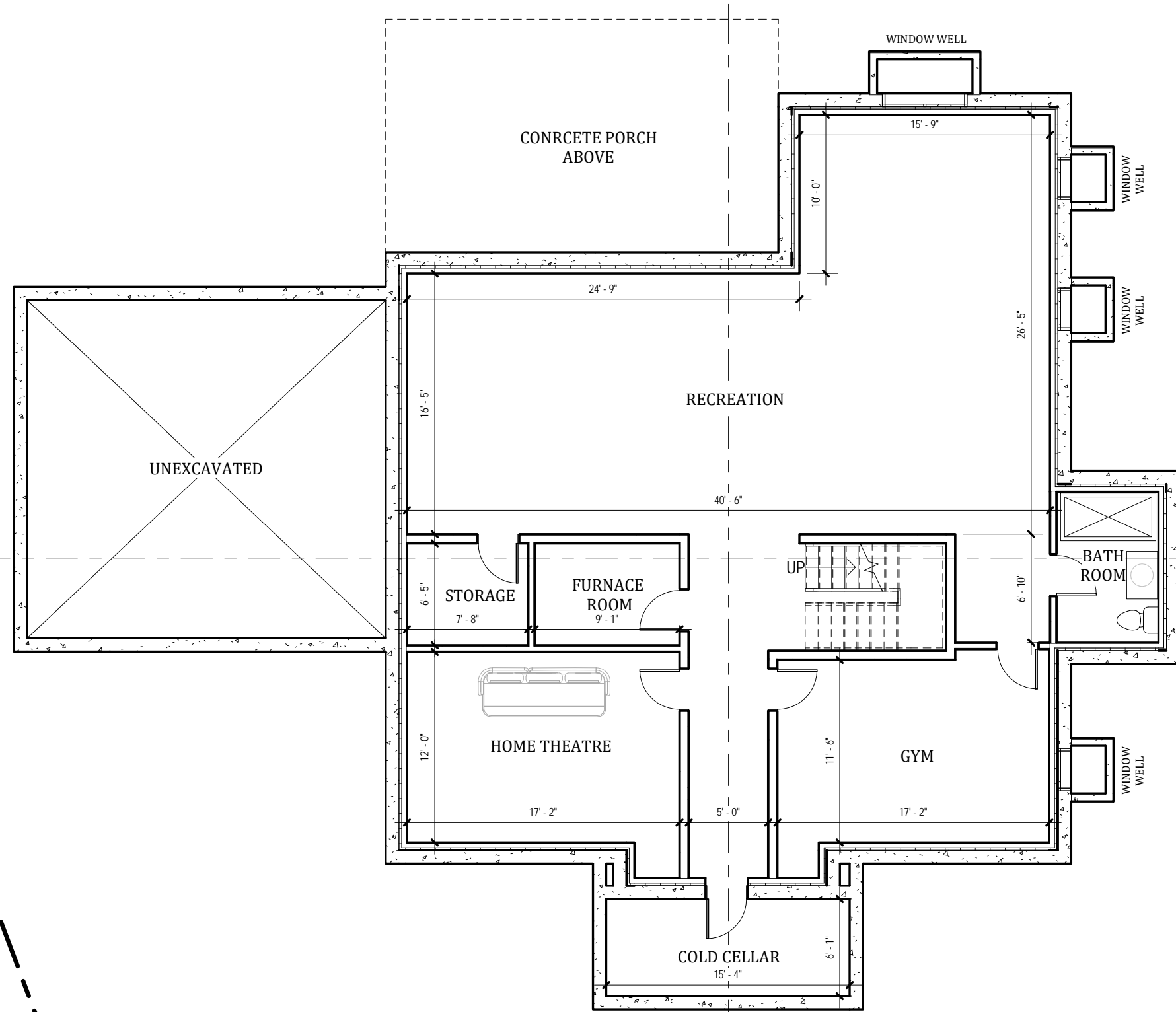
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		PARTY CHIEF: P.C.
DRAWN : J.H.		PLOT SCALE: 1:200
CHECKED : A.M.		PROJECT No. 2021-326

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE
USED FOR MORTGAGE OR TRANSACTION PURPOSES.





1 **BASEMENT**
1/8" = 1'-0"

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3 BILLY JOEL
3 BILLY JOEL CRESCENT, MARKHAM

Paolo Consoli & Oriana Naccarato



MINOR VARIANCE APPLICATION

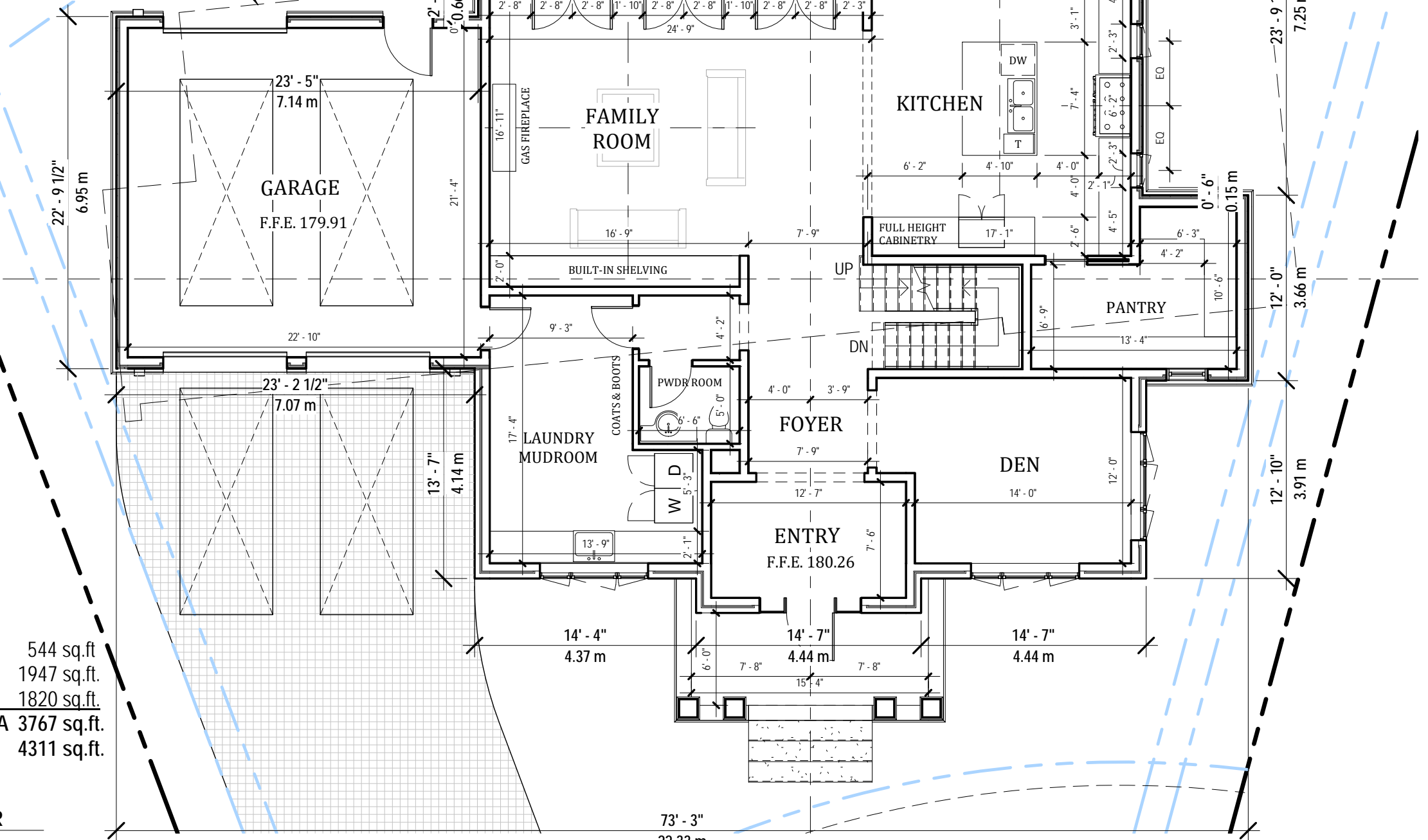
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EXISTING DWELLING TO BE DEMOLISHED



GARAGE	544 sq.ft
1 ST FLOOR	1947 sq.ft.
2 ND FLOOR	1820 sq.ft.
LIVING AREA	3767 sq.ft.
TOTAL GFA	4311 sq.ft.

1 1ST FLOOR
1/8" = 1'-0"

3 BILLY JOEL
3 BILLY JOEL CRESCENT, MARKHAM

Paolo Consoli & Oriana Naccarato



MINOR VARIANCE APPLICATION

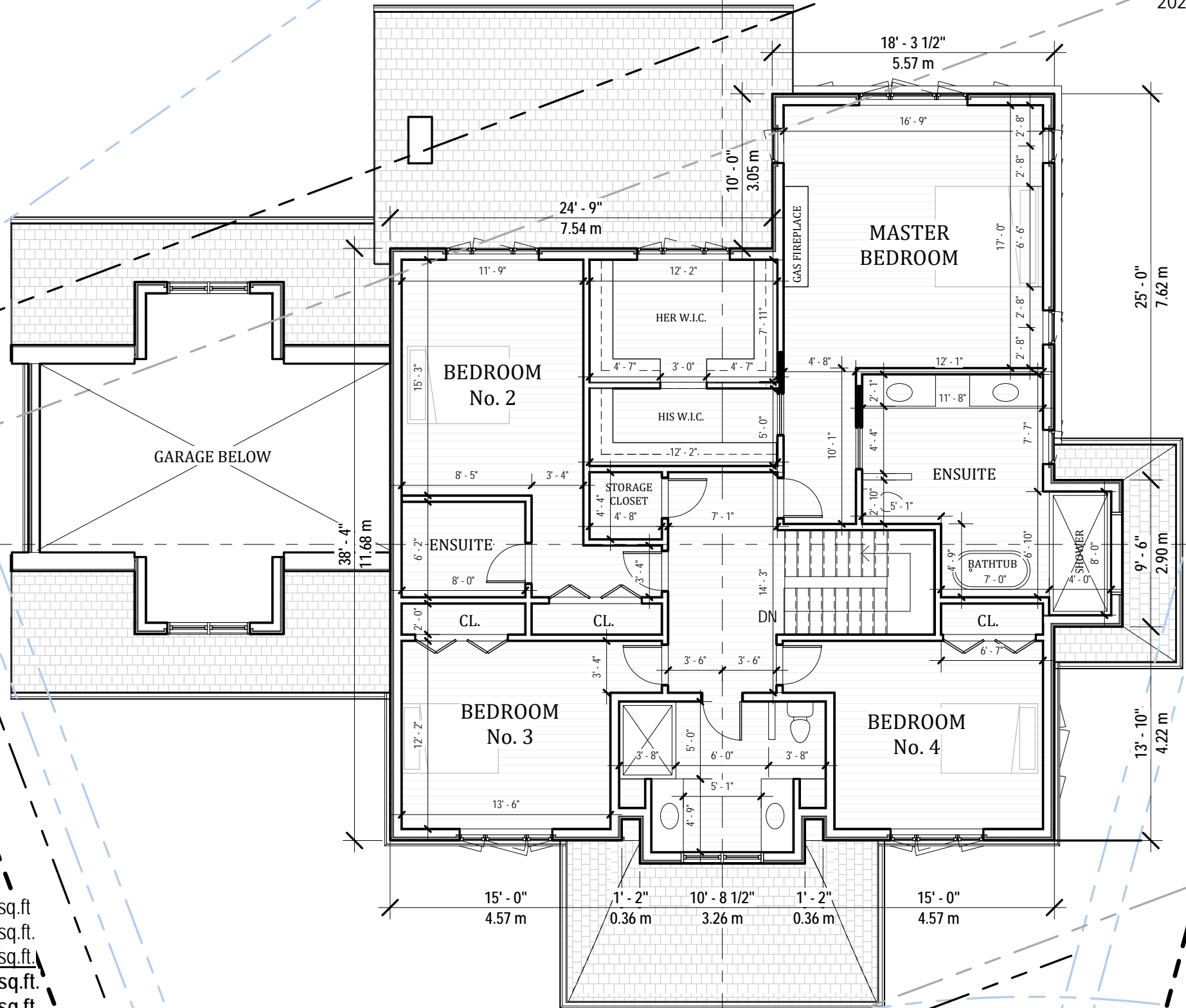
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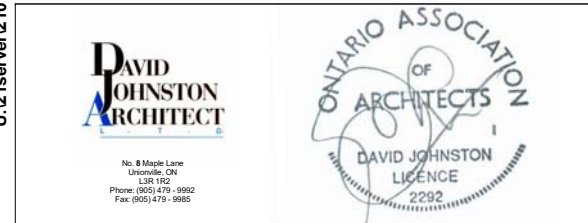
GARAGE 544 sq.ft.
1ST FLOOR 1947 sq.ft.
2ND FLOOR 1820 sq.ft.
LIVING AREA 3767 sq.ft.
TOTAL GFA 4311 sq.ft.

① 2ND FLOOR
1/8" = 1'-0"

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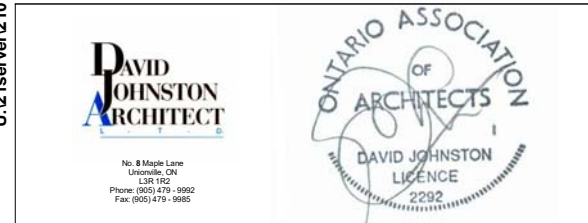
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1 EAST ELEVATION - FRONT YARD
1/8" = 1'-0"

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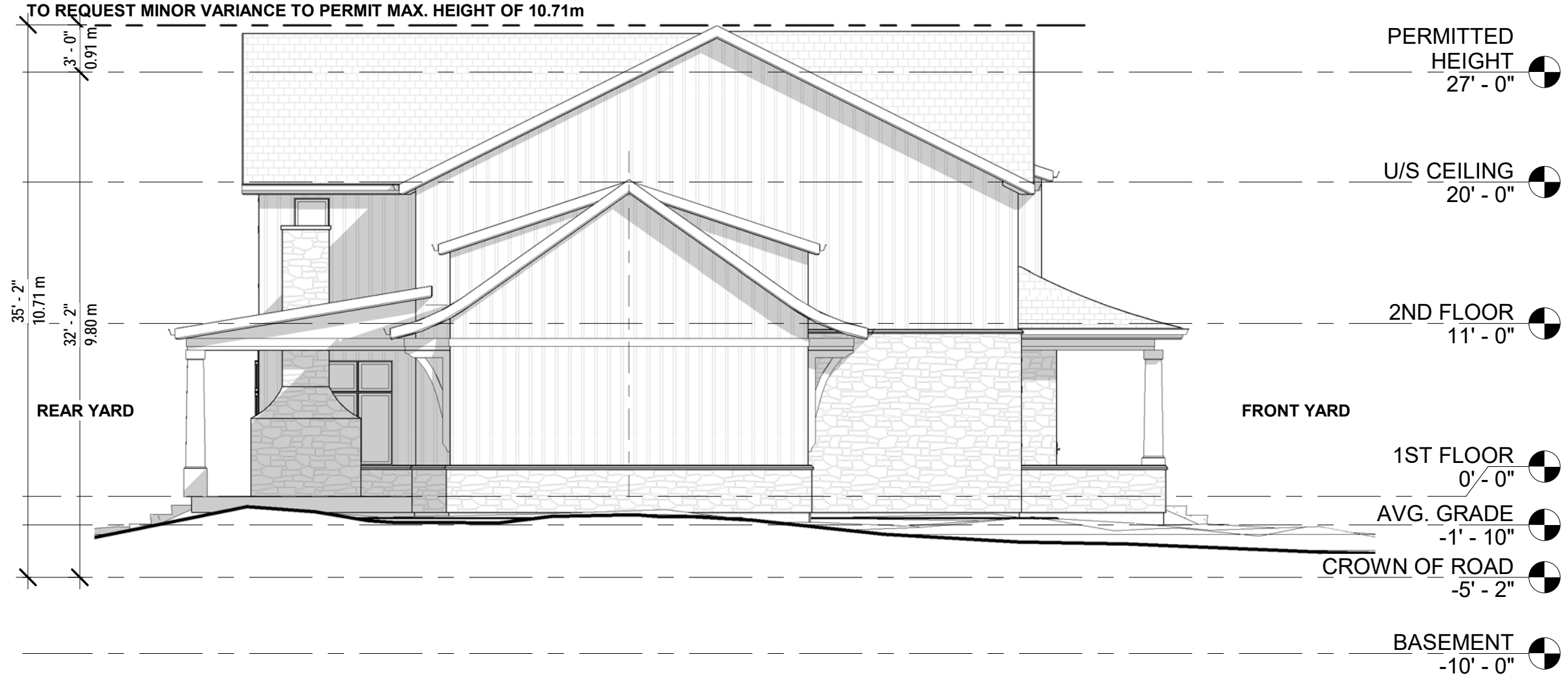
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TO REQUEST MINOR VARIANCE TO PERMIT MAX. HEIGHT OF 10.71m



1 SOUTH ELEVATION - GARAGE SIDE YARD
1/8" = 1'-0"

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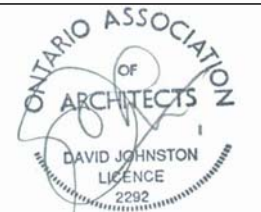


1 WEST ELEVATION - REAR YARD
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WEST ELEVATION

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① NORTH ELEVATION - SIDE YARD
1/8" = 1'-0"

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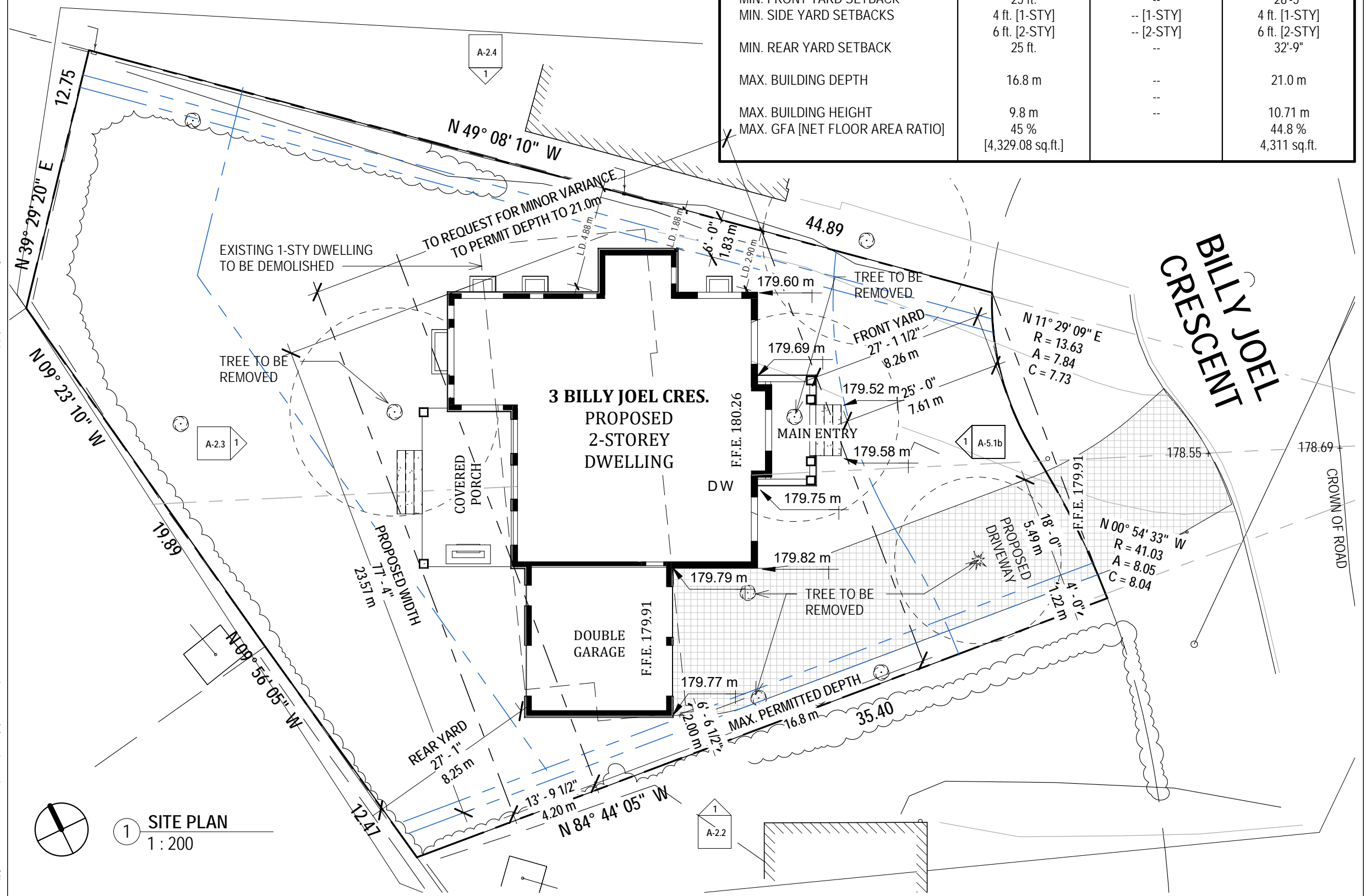
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SITE STATISTICS RESIDENTIAL INFILL BY-LAW 1229 / 99-90	PERMITTED	EXISTING	PROPOSED
	MIN. LOT FRONTAGE	60 ft.	51.7 ft
MIN. LOT AREA	6,600 sq.ft.	12,640 sq.ft.	EXISTING
MAX. COVERAGE	35 % [4,424 sq.ft.]	--	23.6 % [2,987 sq.ft.]
MIN. FRONT YARD SETBACK	25 ft.	--	28'-5"
MIN. SIDE YARD SETBACKS	4 ft. [1-STY]	-- [1-STY]	4 ft. [1-STY]
	6 ft. [2-STY]	-- [2-STY]	6 ft. [2-STY]
MIN. REAR YARD SETBACK	25 ft.	--	32'-9"
MAX. BUILDING DEPTH	16.8 m	--	21.0 m
MAX. BUILDING HEIGHT	9.8 m	--	10.71 m
MAX. GFA [NET FLOOR AREA RATIO]	45 % [4,329.08 sq.ft.]	--	44.8 % 4,311 sq.ft.



**BILLY JOEL
 CRESCENT**

**3 BILLY JOEL CRES.
 PROPOSED
 2-STOUREY
 DWELLING**

**DOUBLE GARAGE
 F.F.E. 179.91**

MAIN ENTRY

**PROPOSED
 DRIVEWAY**

**1 SITE PLAN
 1 : 200**

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MINOR VARIANCE APPLICATION

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