

# Memorandum to the City of Markham Committee of Adjustment

June 9, 2020

**File:** A/022/20  
**Address:** 78 Fred Varley Drive – Markham, ON  
**Applicant:** Decheng Liu & Zhi Yuan Luo  
**Agent:** Gregory Design Group  
**Hearing Date:** Tuesday June 23, 2020

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

The applicant requests relief from the “Fourth Density Single Family Residential - (R4)” zone requirements of By-law 11-72, as amended, as it relates to a proposed two-storey single-detached dwelling, to permit:

**a) Schedule B:**

a maximum lot coverage of 38.3% (2,394.11 ft<sup>2</sup>), whereas the By-law permits a maximum lot coverage of 33.3% (2,081.53 ft<sup>2</sup>).

## **BACKGROUND**

### **Property Description**

The 580.71 m<sup>2</sup> (6,250.71 ft<sup>2</sup>) subject property is located on the south side of Fred Varley Drive, east of Sciberras Road, and west of Main Street Unionville, municipally known as 78 Fred Varley Drive. There is an existing one and a half-storey single detached dwelling on the subject property, with one large mature tree that exists in the front yard and neighbouring tree canopies that overhang into the rear yard. The subject property is located within an established residential neighbourhood comprised of a mix of one and two-storey single detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

### **Proposal**

The applicant is proposing to demolish the existing one and a half storey single detached dwelling and construct a new 220.0 m<sup>2</sup> (2,389.59 ft<sup>2</sup>) two-storey single-detached dwelling (the “proposed development”).

### **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 2014 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 minor 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, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

### Zoning By-Law 11-72

The subject property is zoned "Fourth Density Single Family Residential" (R4) under By-law 11-72, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the maximum lot coverage as provided in the By-law.

### Varley Village Infill Area

The subject property is within an area of the City where there is a trend to build larger houses. In response to concerns with this trend, a number of residents asked that Markham consider an infill housing By-law for the Varley Village neighbourhood. The Unionville Sub-Committee, a Committee of Council, undertook a review of this issue with community consultation, and ultimately recommended that no action be taken on an Infill By-law. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing By-law standards continue to apply.

### **Applicant's Stated Reason for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is because, "*the ground floor has a guest suite which creates a larger footprint.*"

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The applicant confirmed that a ZPR has not been conducted. It is the applicant'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 Maximum Lot Coverage**

The applicant is requesting a maximum lot coverage of 38.3% (2,394.11 ft<sup>2</sup>), whereas the By-law permits a maximum lot coverage of 33.3% (2,081.53 ft<sup>2</sup>). Aside from the request to increase the maximum lot coverage by 5.0% (312.6ft<sup>2</sup> or 29m<sup>2</sup>), the proposed development complies with the required setbacks and height restrictions in the R4 zone. Additionally, the second floor has a smaller floorplate than the ground floor, which occupies approximately 27.35% of the lot area. Staff are satisfied that the variance is minor in nature and will not result in a dwelling that is incompatible with its surroundings.

### **Tree Preservation**

The applicant has provided a revised site plan showing the location of the trees within the limits of the subject property. Of particular note, is one mature tree located in the front yard

and neighbouring tree canopies that overhang into the rear yard. The applicant has confirmed that the tree within the front yard is proposed to be retained. Should Committee approve this application, staff recommend that any approval is subject to the related tree preservation and protection conditions provided in Appendix "A".

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 9, 2020. 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.

### **APPLICATION PROCESSING**

This application was initially scheduled to be heard on March 18, 2020; however, this hearing date was scheduled prior to the Province of Ontario's decision to suspend *Planning Act* timelines for the consideration of a consent and minor variance application, as well as any appeal of an application to the Local Planning Appeal Tribunal (LPAT).

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22, 2020, the procedural requirements (e.g. sending of notices, hearing of applications, eligibility for appeals to LPAT, etc.) of *Planning Act* applications shall proceed as they did prior to the declaration of the emergency. Revisions to the initial memorandum include an update on matters relating to application processing.

### **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 By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

### **APPENDICES**

Appendix "A" – Conditions of Approval

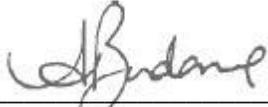
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District

**APPENDIX “A”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/022/20**

1. The variance applies 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 plans attached as Appendix “B” to this Staff Report and received by the City of Markham on February 18, 2020, 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. 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.
4. 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.
5. 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.

CONDITIONS PREPARED BY:

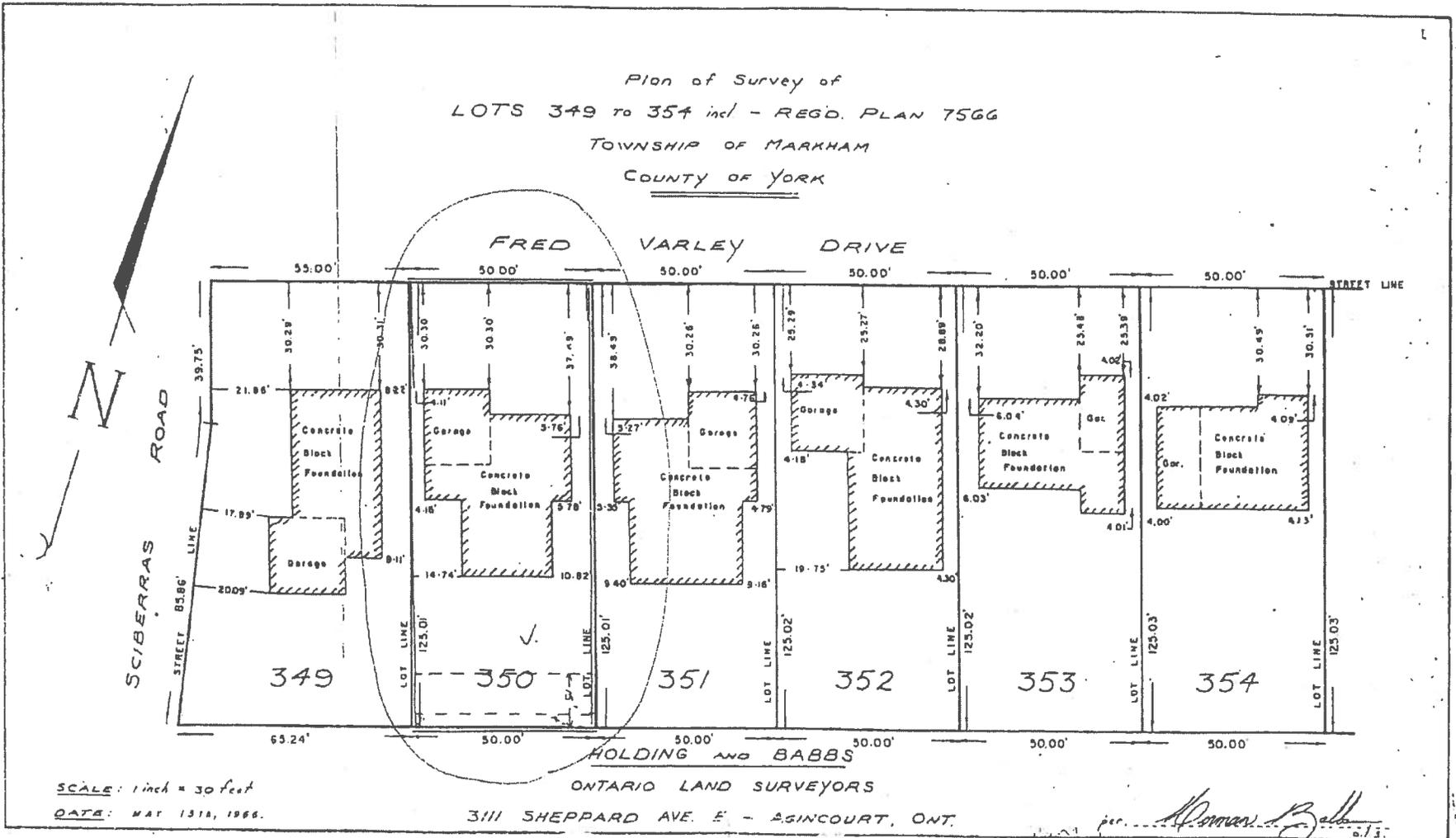


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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/022/20**

Plan of Survey of  
 LOTS 349 to 354 incl - REGD. PLAN 7566  
 TOWNSHIP OF MARKHAM  
 COUNTY OF YORK



SCALE: 1 inch = 30 feet  
 DATE: MAY 15th, 1966.

HOLDING AND BABBS  
 ONTARIO LAND SURVEYORS  
 3111 SHEPPARD AVE. E. - AGINCOURT, ONT.

per Roman Ball  
 6/3

# SITE PLAN

SCALE - 1:200

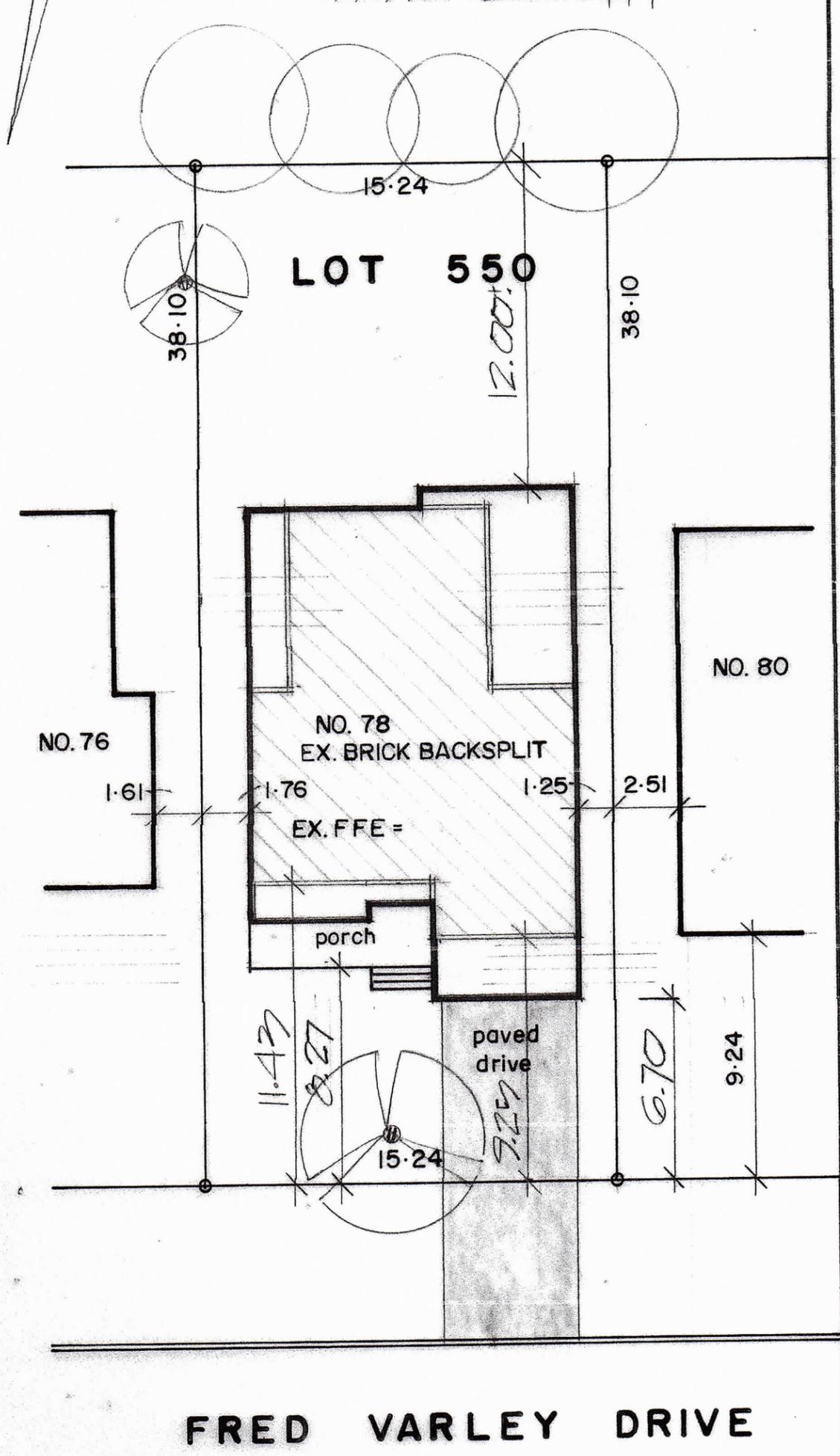
## SITE INFORMATION & DATA

LOT AREA = 580.7 m<sup>2</sup> (6291 SQ FT)

BUILDING AREA = 222.0 m<sup>2</sup> (2390 SQ FT)

COVERAGE = 39.24 %

39.24% = 2081 SQ FT



63'-10"

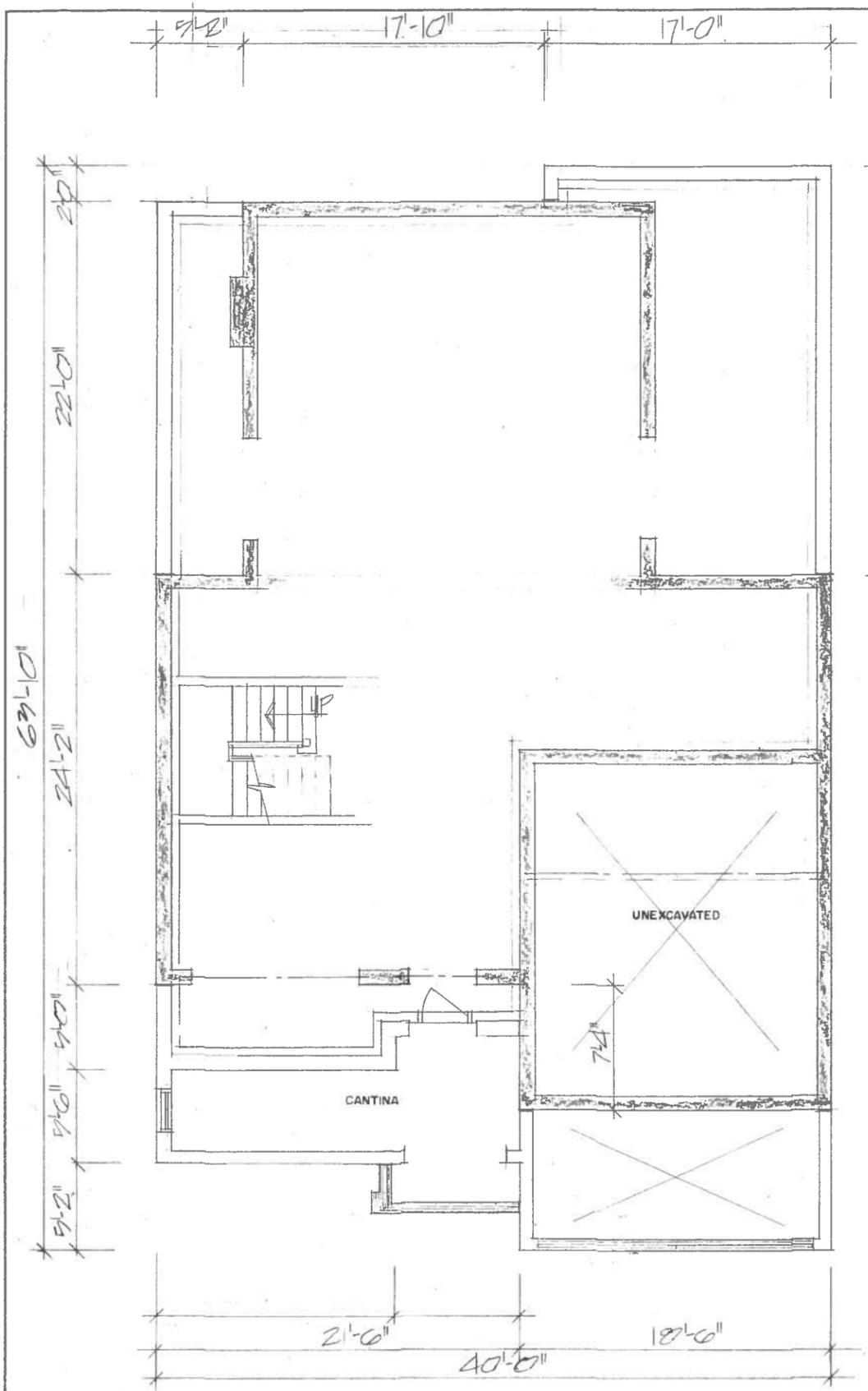
8'-4"

FRED VARLEY DRIVE

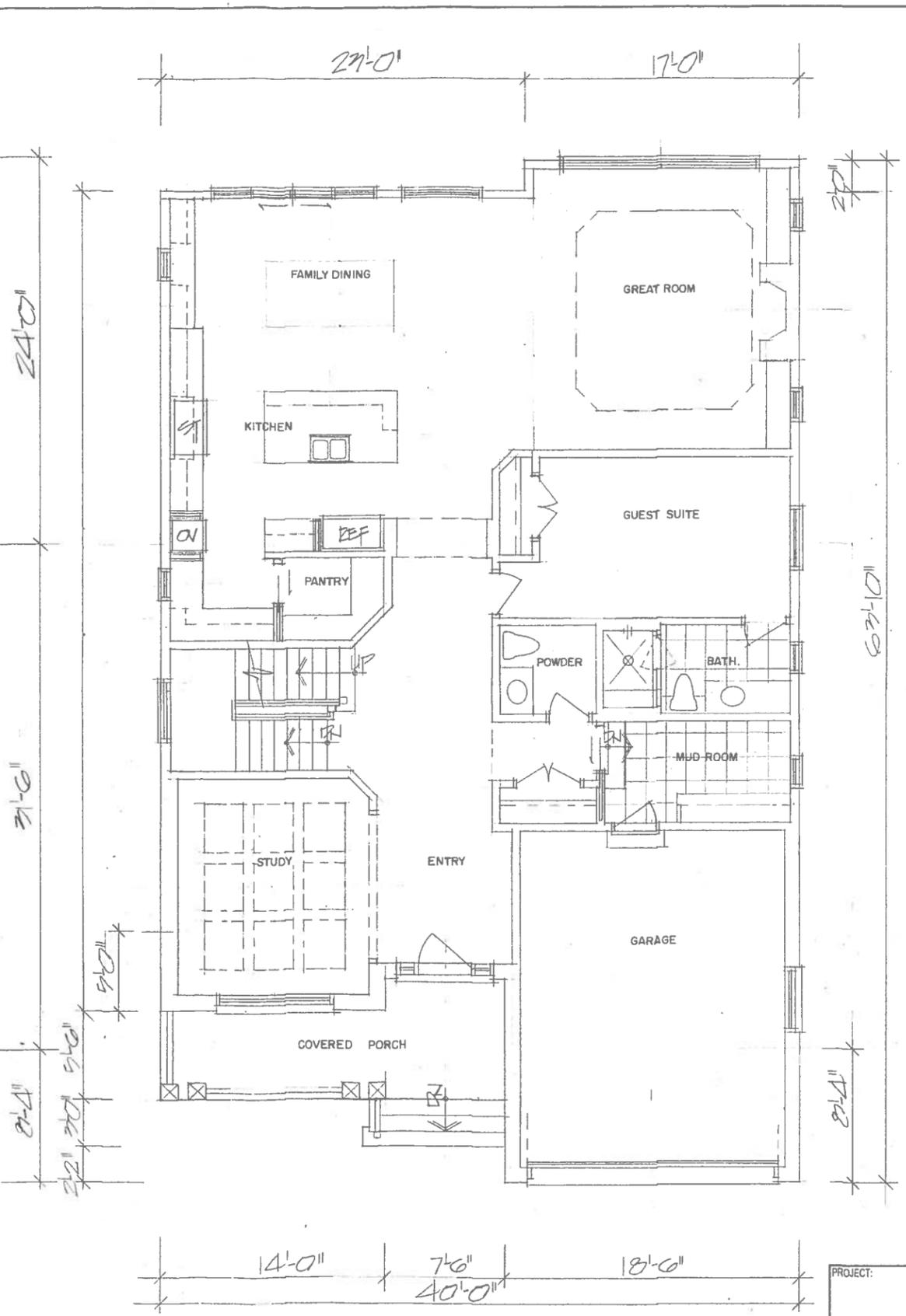
PROJECT

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm registered, in the appropriate classes/categories.

DRAWN:  
R. GREGORY



**BASEMENT & FOUNDATION PLAN**



**GROUND FLOOR PLAN**

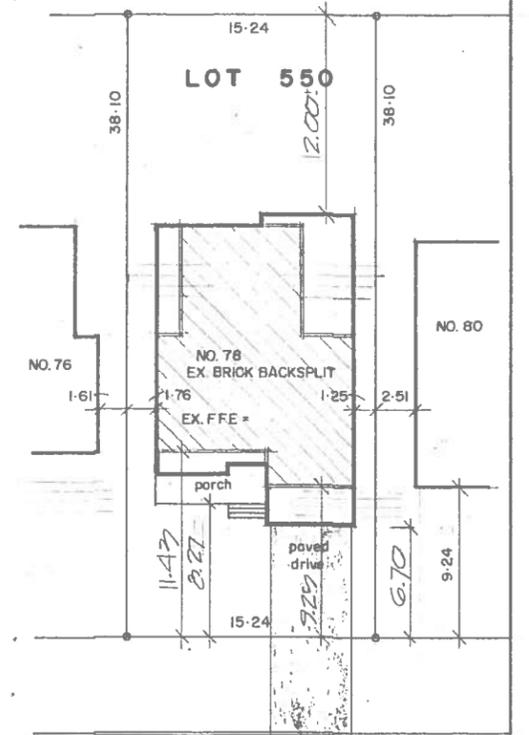
GROUND FLOOR AREA = 1870 SQ FT  
 BUILDING AREA = 2390 " "

**SITE PLAN**

SCALE - 1:200

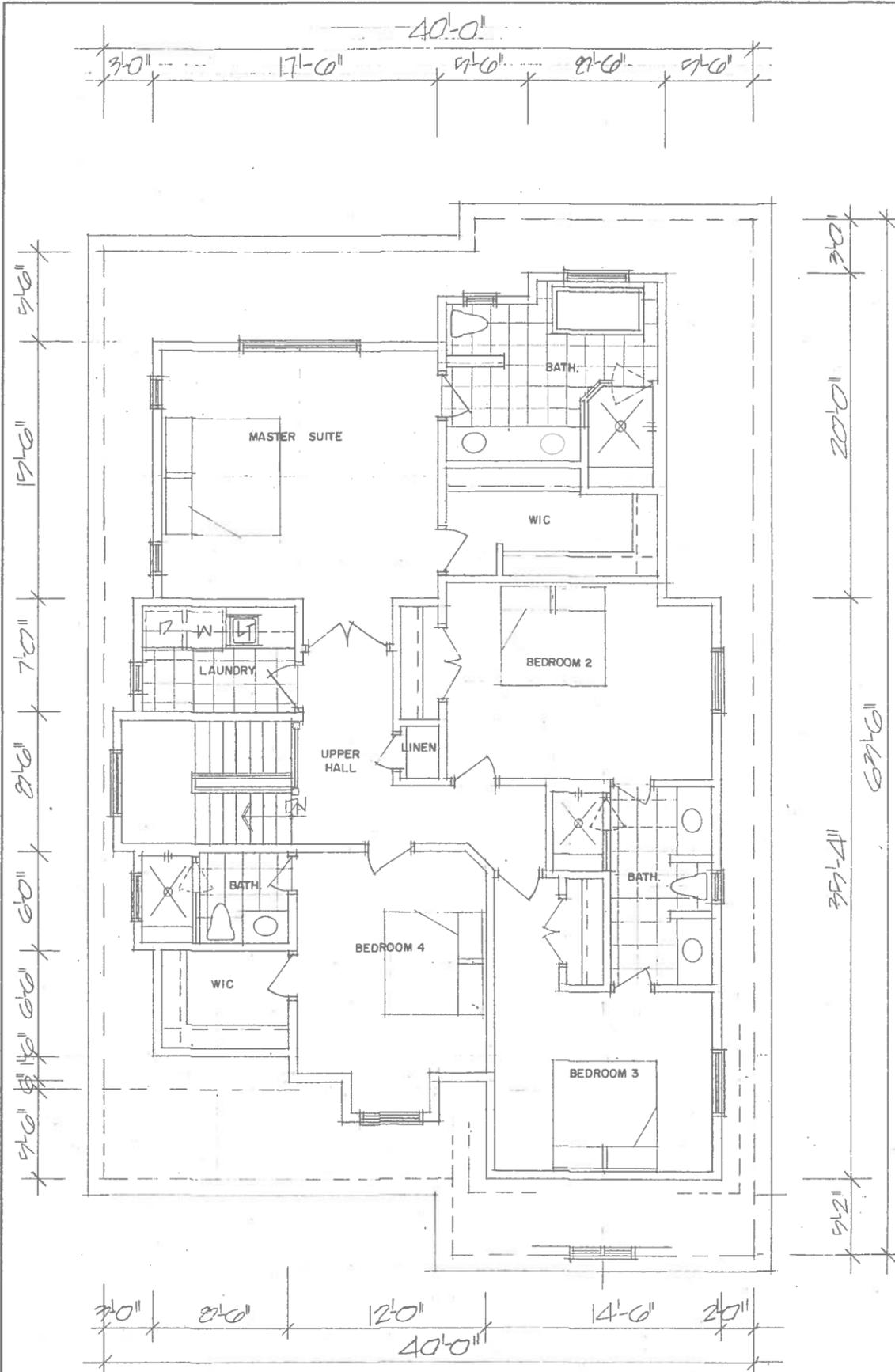
**SITE INFORMATION & DATA**

LOT AREA = 580.7 m<sup>2</sup> (6271 SQ FT)  
 BUILDING AREA = 222.0 m<sup>2</sup> (2390 SQ FT)  
 COVERAGE = 38.24%  
 38.24% = 2081 SQ FT.



FRED VARLEY DRIVE

PROJECT:  <b>78 FRED VARLEY DRIVE</b> <b>CITY OF MARKHAM</b>  <b>THE GREGORY DESIGN GROUP</b>  16 CHURCH STREET, MARKHAM, ONTARIO, L3P 2L6 (416) 720-4667 russ@gregorydesigngroup.net	I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2 of Chapter C of the Building Code, 1995, and the firm registered in the appropriate jurisdiction.	DRAWN: R. GREGORY DATE: 2/23/20 SCALE: 1/4"=1'-0" PROJECT NO.: 2190-20 DRAWING NO.: 1
	Name: Russ Gregory REGISTRATION NO.: 25425 FIRM & CLIN: 3333 SIGNATURE:	<b>GENERAL NOTES:</b> All construction is to conform to section "F" of the Ontario Building Code (unless noted). Contractor shall check and verify all notes and dimensions. Do not make drawings. Owner/contractor designer is responsible to re-check and verify all previous and on-going copies of this drawing. These drawings are the property of The Gregory Design Group and to be used only for the project specified. Building permits should be obtained prior to commencing construction.



**SECOND FLOOR PLAN**

SECOND FLOOR AREA = 1710 SQFT  
 OPEN SPACE = 800 " "  
 TOTAL = 1630 " "



**WEST SIDE**



**EAST SIDE**



**FRONT ELEVATION - NORTH**



**REAR ELEVATION**

78 FRED VARLEY DRIVE  
 CITY OF MARKHAM  
 THE GREGORY DESIGN GROUP  
 16 CHURCH STREET  
 MARKHAM, ONTARIO, L3P 2L6  
 (416) 720-4667  
 russ@gregorydesigngroup.net

GENERAL NOTES:  
 All construction to conform to section "V" of the Ontario Building Code (unless noted).  
 Contractor shall check and verify all notes and dimensions.  
 Do not scale drawings.  
 Owner/contractor developer is responsible to review and display all permits and un-released copies of this drawing.  
 These drawings are the property of the Gregory Design Group and are to be used only for the project specified.  
 Building permits should be obtained prior to commencing construction.

PROJECT NO:  
 DRAWING NO:  
 2