

# Memorandum to the City of Markham Committee of Adjustment

June 10, 2020

**File:** A/033/20  
**Address:** 90 Fred Varley Drive – Markham, ON  
**Applicant:** Jingmei Wu  
**Agent:** Sahand Homes Inc.  
**Hearing Date:** Thursday July 2, 2020

The following comments are provided on behalf of the Central Team. The applicant is requesting relief from the following requirements of the “Fourth Density Single Family Residential” (R4) under By-law 11-72, as amended, as they relate to a proposed two-storey single-detached dwelling. The variances requested are as follows:

- a) **Section 6.1:**  
an east side yard setback of 5.0 ft (1.52 m), whereas the By-law requires a minimum side yard setback of 6.0 ft (1.83 m) for a two-storey dwelling;
- b) **Section 6.1:**  
a west side yard setback of 4.5 ft (1.37 m), whereas the By-law requires a minimum side yard setback of 6.0 ft (1.83 m) for a two-storey dwelling;
- c) **Section 6.1:**  
a maximum building height of 26.0 ft (7.92 m), whereas the By-law permits a maximum of 25.0 ft (7.62 m);
- d) **Section 6.1:**  
a maximum lot coverage of 35.77%, whereas the By-law permits a maximum of 33.33%;
- e) **Section 3.7:**  
an unenclosed covered porch and steps to project 5.91 ft (1.80 m) into the required front yard, whereas the By-law permits an uncovered platform to project no more than 5.0 ft (1.52 m) into the required front yard.

## BACKGROUND

### Property Description

The 594.2 m<sup>2</sup> (6,395.92 ft<sup>2</sup>) subject property is located on the south side of Fred Varley Drive, east of Village Parkway, and west of Sciberras Road, and is municipally known as 90 Fred Varley Drive. A one and a half-storey single detached dwelling exists on the subject property, with one mature tree located in the rear yard and one street tree in the front yard. The 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 two-storey single detached dwelling (see Appendix “B”) with a gross floor area of 382.0 m<sup>2</sup> (4,111.81 ft<sup>2</sup>).

## **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 requirements of the By-law as they relate to the interior side yard setbacks for a two-storey dwelling, building height, lot coverage and permitted yard encroachment.

## 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 a residential Infill 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 recommend 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**

The applicant did not provide a reason.

## **Zoning Preliminary Review (ZPR) Undertaken**

The applicant submitted a ZPR, which confirmed the initial variances for the proposed development. Following staff’s review of the plans, the applicant confirmed that the initial request for a west side yard setback of 5.0 ft (1.52m) be revised to 4.5 ft (1.37 m) as shown on the submitted plans (Appendix “B”).

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.

#### **Reduced Side Yard Setbacks (two-storey portion)**

The applicant requests a minimum side yard setback of 5.0 ft (1.52 m) along the east property line, and 4.5 ft (1.37 m) along the west property line. The By-law permits a minimum side yard setback of 4.0 ft (1.22 m) for the one-storey portion and 6.0 ft (1.83 m) for the two-storey portion.

The request meets the minimum requirement for a one-storey portion of a dwelling, and is requesting relief of 1.0 ft (0.31 m) on the east side yard, and 1.5 ft (0.46 m) on the west side yard for the two-storey portion of the dwelling. Planning staff are of the opinion that the proposed side yard reductions will not impact the character of the neighbourhood.

#### **Increase in Maximum Building Height**

The applicant requests a maximum building height of 26.0 ft (7.92 m), whereas the By-law permits a maximum building height of 25.0 ft (7.62 m). This represents an increase of 1.0 ft (0.3 m). Building heights within the surrounding area vary. Planning staff are of the opinion that the proposed building height is generally consistent with the low rise character of the neighbourhood including existing dwellings and other infill development, and have no concerns with the variance.

#### **Increase in Maximum Lot Coverage**

The applicant requests a maximum lot coverage of 35.77%, whereas the By-law permits a maximum lot coverage of 33.33%. The proposed dwelling features a building footprint of approximately 2,287.55 ft<sup>2</sup> (212.52 m<sup>2</sup>), which includes a 39.44 ft<sup>2</sup> (3.66 m<sup>2</sup>) covered front porch. Under the provisions of the Zoning By-law, a building footprint of approximately 2,131.76 ft<sup>2</sup> (198.05 m<sup>2</sup>) would be permitted. Staff are of the opinion that the proposed lot coverage represents a minor deviation from the By-law that will not significantly add to the scale or massing of the dwelling.

#### **Permitted Yard Encroachment**

The applicant requests that the unenclosed covered porch and steps project 5.91 ft (1.80 m) into the front yard, whereas the By-law permits an uncovered platform to project no more than 5.0 ft (1.52 m).

The main portion of the proposed dwelling complies with the required front yard setback of 27.0 ft (8.23 m). The variance is attributable to a portion of the front covered porch, which extends approximately 11.0 in (0.28 m) beyond the By-law requirement. Covered porches are a common feature amongst other approved infill developments within the area. Planning staff are of the opinion that the proposed variance will not adversely impact the overall character of the neighbourhood.

#### **Tree Preservation**

The applicant has provided a revised site plan showing the location of one street tree in the front yard and one mature tree in the rear yard. The applicant proposes to preserve the tree in the rear yard and relocate or replace the street tree, should preservation not be feasible due to the location of the driveway. 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 10, 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 April 1, 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 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

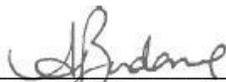
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



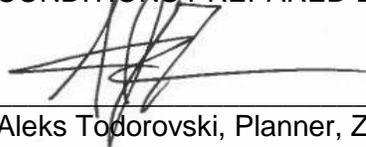
Sabrina Bordone, Senior Planner, Central District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/033/20**

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 plans attached as Appendix "B" to this Staff Report and received by the City of Markham on March 2, 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. 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.
4. 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.
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.

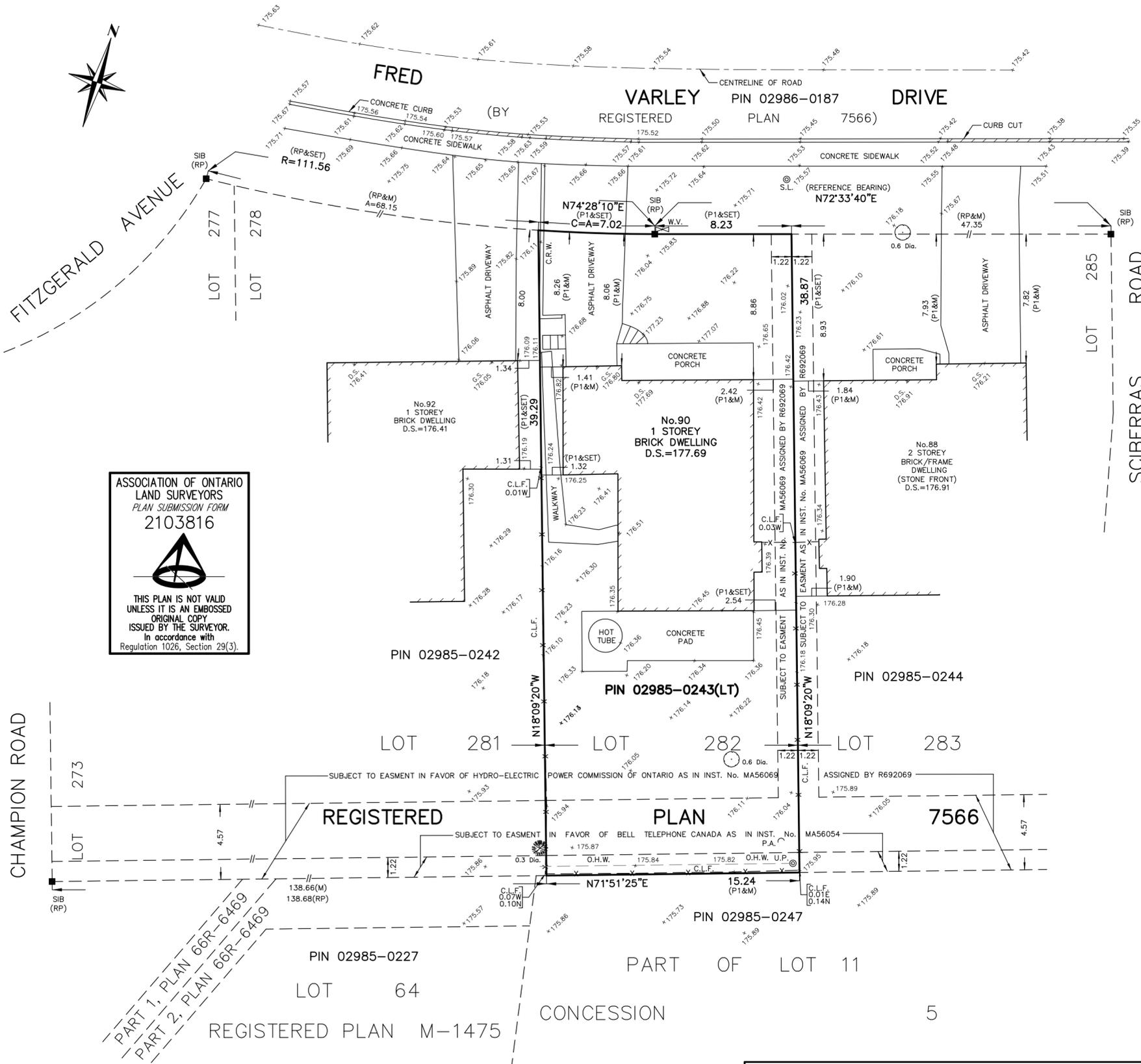
CONDITIONS PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/033/20**



ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2103816



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

**SURVEYOR'S REAL PROPERTY REPORT**  
PART 1 - PLAN OF SURVEY OF  
**LOT 282**  
**REGISTERED PLAN 7566**  
**CITY OF MARKHAM**  
**REIGONAL MUNICIPALITY OF YORK**

SCALE 1:200  
0m 5 0 10 METRES

MANDARIN SURVEYORS LIMITED, O.L.S. ©  
**METRIC**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
CONVERTED TO FEET BY DIVIDING BY 0.3048

**LEGEND**

□	DENOTES MONUMENT SET
■	DENOTES MONUMENT FOUND
SIB	DENOTES STANDARD IRON BAR
P1	DENOTES PLAN OF SURVEY BY N. W. MOYLES, O.L.S.
	DATE APRIL 26, 1968
RP	DENOTES REGISTERED PLAN 7566
PIN	DENOTES PROPERTY IDENTIFIER NUMBER
M	DENOTES MEASURED
N,S,E,W	DENOTES NORTH, SOUTH, EAST, WEST
C.L.F.	DENOTES CHAIN LINK FENCE
C.R.W.	DENOTES CONCRETE RETAINING WALL
D.S.	DENOTES FINISHED SILL ELEVATION AT ENTRY
G.S.	DENOTES GARAGE SILL ELEVATION AT ENTRY
O.H.W.	DENOTES OVERHEAD WIRE
P.A.	DENOTES POLE ANCHOR
U.P.	DENOTES UTILITY POLE
S.L.	DENOTES STREET LAMP
W.V.	DENOTES WATER VALVE
C.B.	DENOTES CATCH BASIN
⊙	DENOTES CONIFEROUS TREE
⊙	DENOTES DECIDUOUS TREE

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.  
BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE  
SOUTHERLY OF FRED VARLEY DRIVE AS SHOWN ON REGISTERED PLAN 7566  
HAVING A BEARING OF N72° 33' 40"E.

**BENCHMARK NOTE**  
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY  
OF MARKHAM BENCHMARK No.092903318 HAVING AN ELEVATION OF 175.61 M,  
BRASS CAP IN CONCRETE SIDEWALK 26 M SOUTH OF THE CENTRELINE OF  
FITZGERALD AVENUE AND 4.5 M WEST OF THE CENTRELINE OF FRED VARLEY  
DRIVE.

**PART 2 (SURVEY REPORT)**

- REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: SUBJECT TO AN EASEMENT IN FAVOR OF BELL CANADA AS IN INST. No. MA56054 AND SUBJECT TO AN EASEMENT IN FAVOR OF HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO AS IN INST. No. MA56069 ASSIGNED BY R692069.
- ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND THE SOUTHERLY, EASTERLY AND WESTERLY LIMITS OF THE SUBJECT PROPERTY. NOTE THE LOCATION OF THE OVERHEAD WIRE, UTILITY POLE, POLE ANCHOR.
- THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 14th DAY OF DECEMBER, 2019

DECEMBER 30, 2019  
DATE

Z. ZENG  
ONTARIO LAND SURVEYOR

**MANDARIN SURVEYORS LIMITED**  
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR  
WWW.MANDARINSURVEYOR.COM  
2400 MIDLAND AVE., #121 PHONE: (647)430-1366 FAX: (647)799-4068  
SCARBOROUGH, ONTARIO, M1S 1X7 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

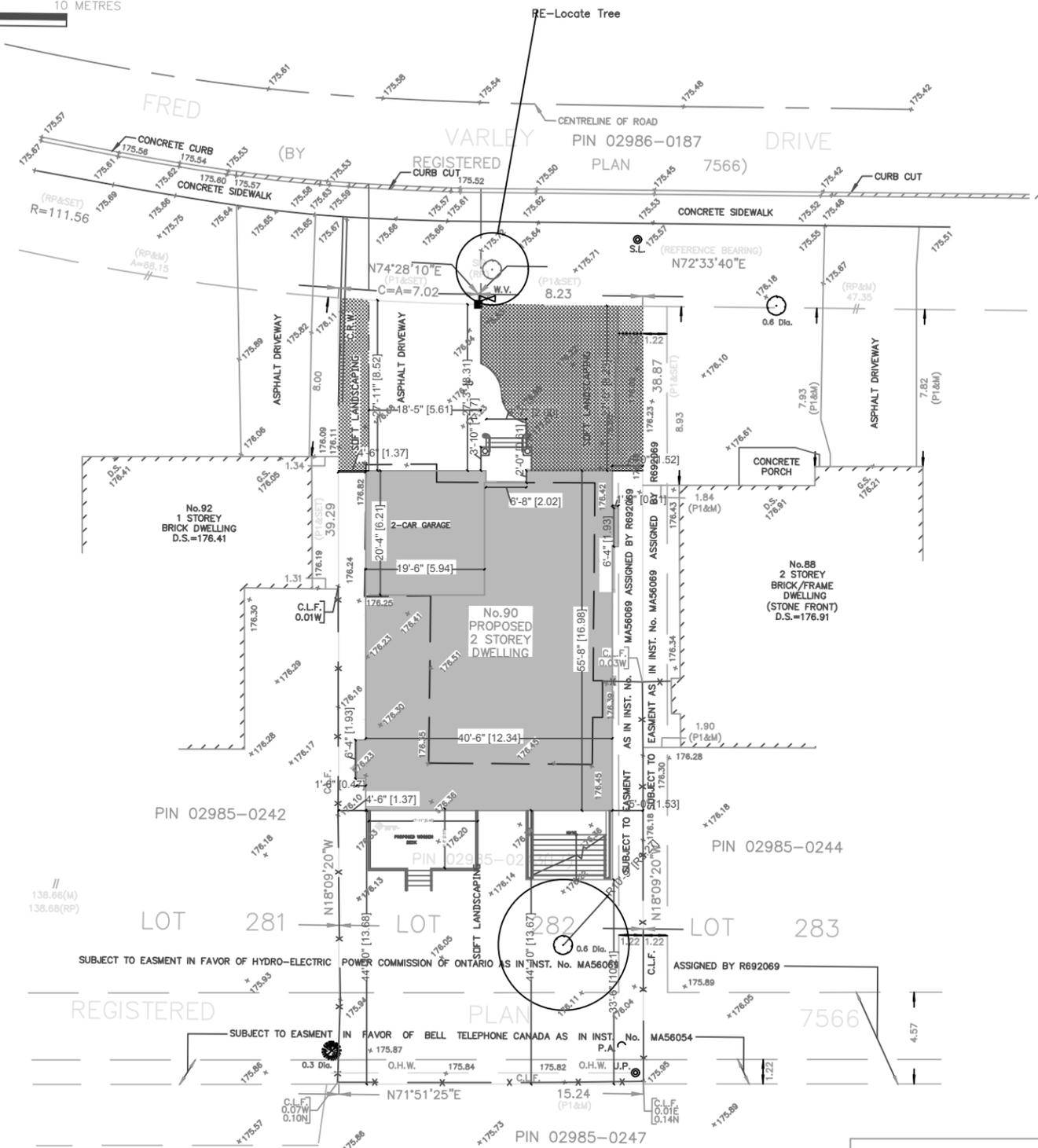
THIS REPORT WAS PREPARED FOR WU, JINGMEI AND THE UNDERSIGNED  
ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

SURVEY BY: S.Z. CAD No: 19-436SRPR JOB No: 2019-436

REGISTERED PLAN 7566

REGIONAL MUNICIPALITY OF YORK

SCALE 1:200



**HEIGHTS:**

Average: 176.42  
F.F.F: 177.31

Top of Roof: 185.28  
Mid Roof: 184.33  
Crown of Road(FRONT): 175.99  
Facing Side Lot: 183.29

**SITE:**

Min East side: 1.52 m  
Min West side: 1.37 m  
Front side: 8.23 m  
Rear side: 13.68 m  
Land Area: 6395.917 SqF 594.200 SqM  
Building Coverage Area: 2287.546 Sqf 212.52 SqM

First Floor: 1869.332 SqF  
Second Floor: 2242.474 SqF  
Total GFA: 4111.806 SqF 381.999 SqM  
Coverage: %35.765

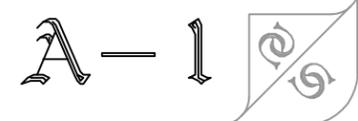
Front yard Area: 1334.795 SqF  
Front yard Hard Landscaping: 578.083 SqF  
Front yard Soft Area: 756.712 SqF

PIN 02985-0227  
LOT 64  
CONCESSION  
REGISTERED PLAN M-1475  
PART OF LOT 11  
5

**SAHAND HOMES**  
Engineering Firm  
9275 Bayview Ave.  
PO Box 31334 Bayview 16th AVE PO  
RICHMOND HILL, ONTARIO, L4C 0V7  
TEL. (647) 701-0721

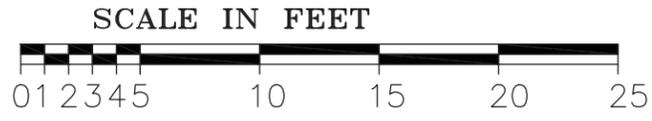
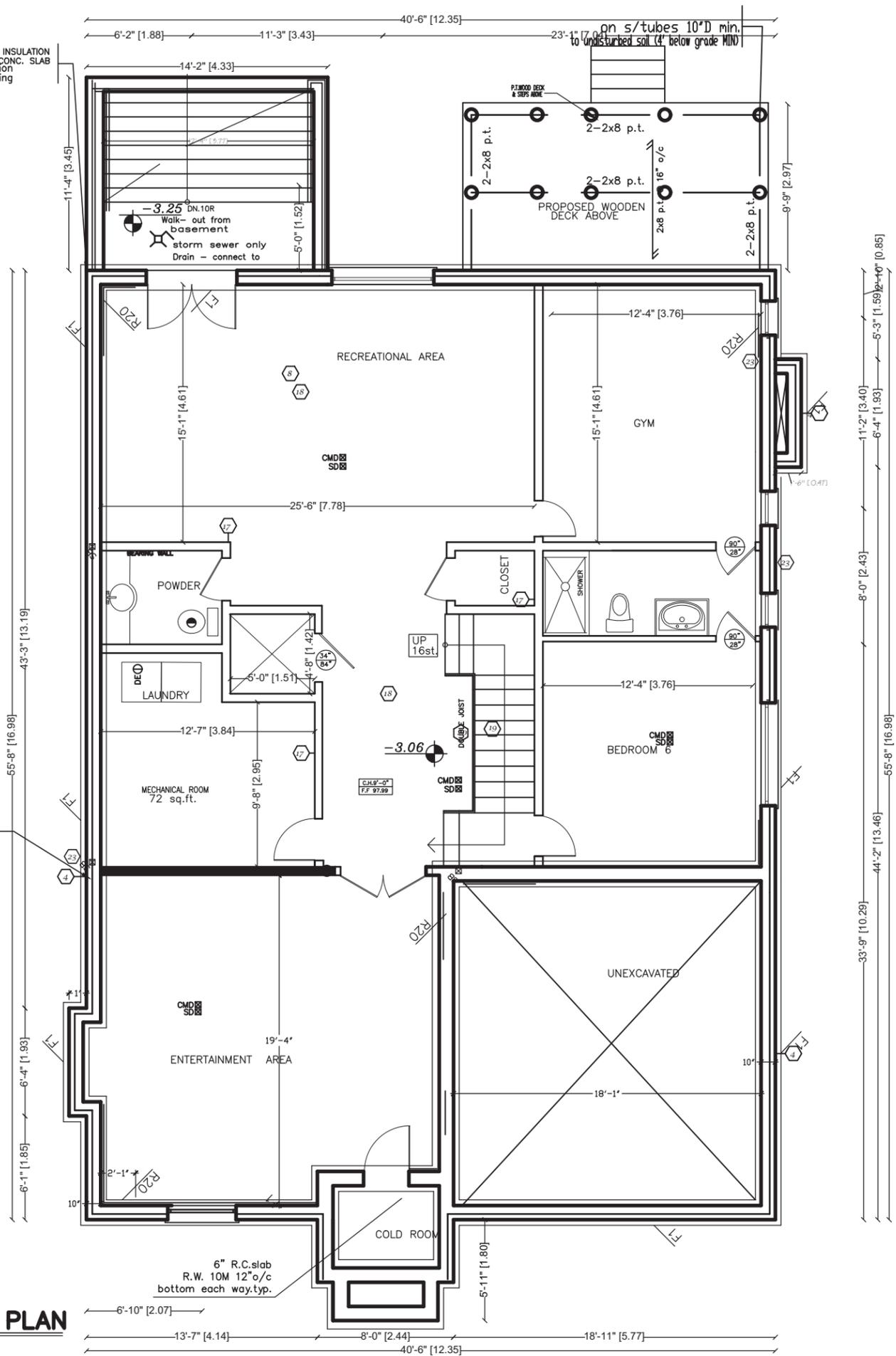
90 FRED VARLEY Dr.  
MARKHAM, ONTARIO

Drawing Title  
**SITE PLAN**  
Drawn by  
**SHERJAN FARZAM**  
Date  
FEBRUARY 2020



2'0"W. R20 RIGID INSULATION AT PERIMETER OF CONC. SLAB for frost protection 4' DN. step footing

10" REINFORCED POURED CONCRETE WALLS TYP. AROUND



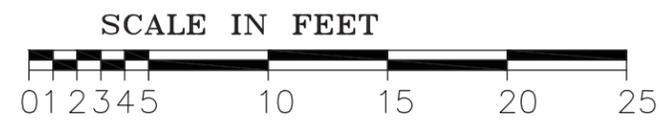
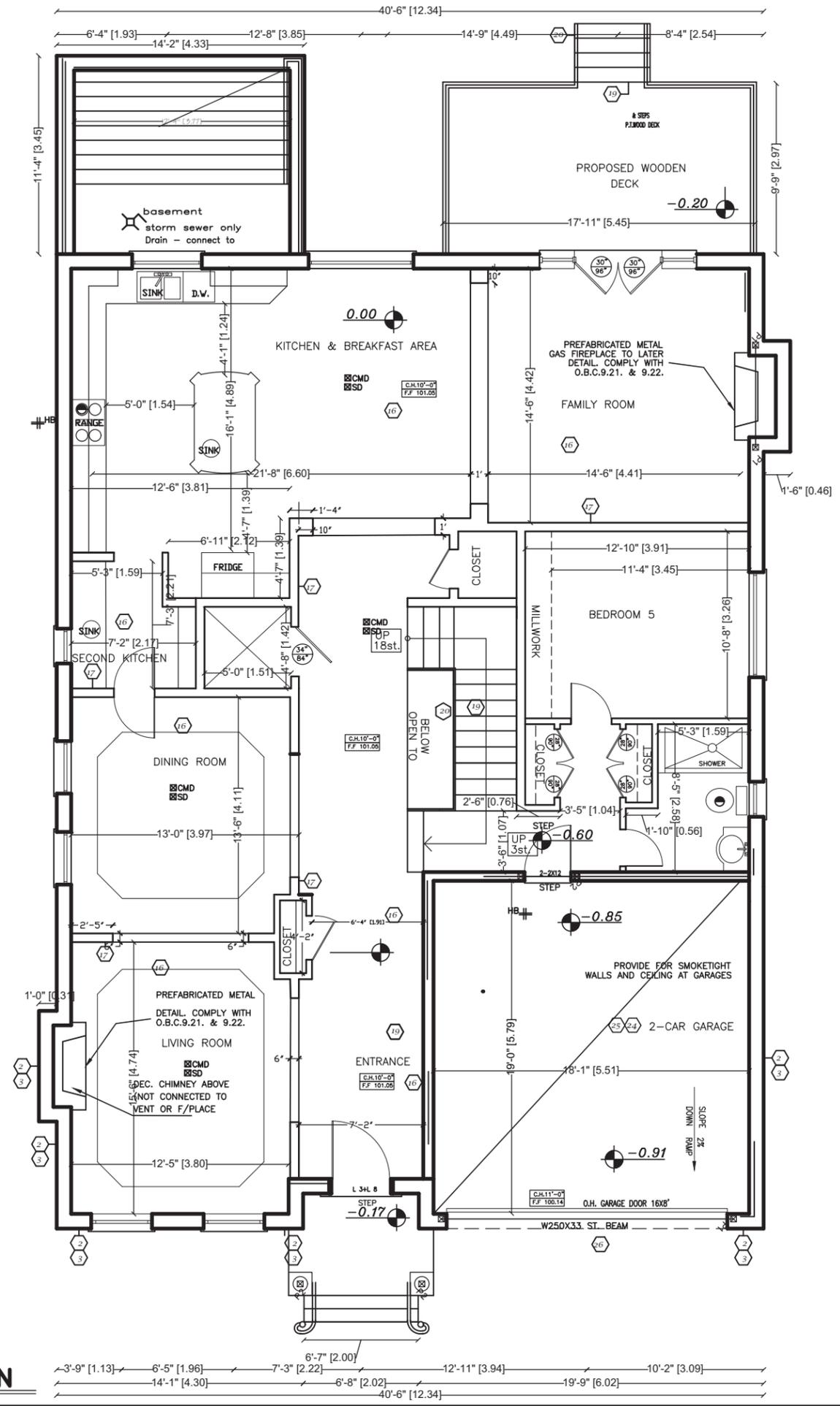
**BASEMENT FLOOR PLAN**

**SAHAND HOMES**  
Engineering Firm  
9275 Bayview Ave.  
PO Box 31334 Bayview 16th AVE PO  
RICHMOND HILL, ONTARIO, L4C 0V7  
TEL. (647) 701-0721

90 FRED VARLEY Dr.  
MARKHAM, ONTARIO

Drawing Title **BASEMENT**  
Drawn by [Signature] Scale 1'-0" = 1/8"  
Date FEBRUARY 2020

**A-2**

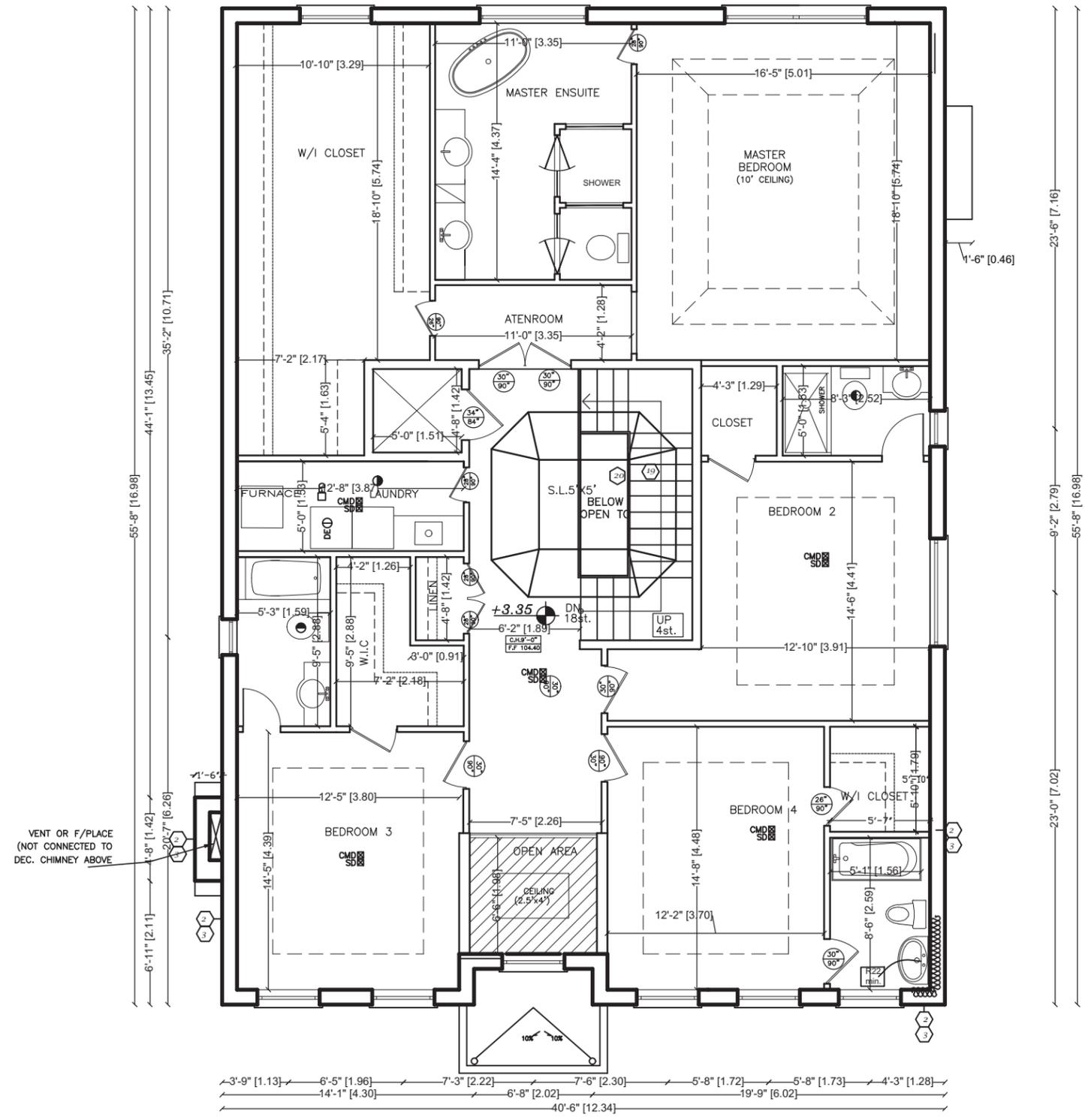


**GROUND FLOOR PLAN**

**SAHAND HOMES**  
 Engineering Firm  
 9275 Bayview Ave.  
 PO Box 31334 Bayview 16th AVE PO  
 RICHMOND HILL, ONTARIO, L4C 0V7  
 TEL. (647) 701-0721

90 FRED VARLEY Dr. MARKHAM, ONTARIO	
Drawing Title	GROUND FLOOR
Drawn by	Scale
DATE	1'-0" = 1/8"
Date	FEBRUARY 2020
<b>A-3</b>	

40'-6" [12.34]  
 6'-4" [1.94] 11'-1" [3.37] 14'-7" [4.44] 8'-6" [2.59]



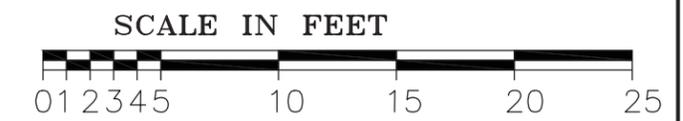
3'-9" [1.13] 6'-5" [1.96] 7'-3" [2.22] 7'-6" [2.30] 5'-8" [1.72] 5'-8" [1.73] 4'-3" [1.28]  
 14'-1" [4.30] 6'-8" [2.02] 40'-6" [12.34] 19'-9" [6.02]



**SECOND FLOOR PLAN**

**SAHAND HOMES**  
 Engineering Firm  
 9275 Bayview Ave.  
 PO Box 31334 Bayview 16th AVE PO  
 RICHMOND HILL, ONTARIO, L4C 0V7  
 TEL. (647) 701-0721

90 FRED VARLEY Dr. MARKHAM, ONTARIO		<p><b>A-4</b></p>
<p>Drawing Title <b>SECOND FLOOR</b></p>	<p>Drawn by <b>MARKAZA</b></p>	
<p>Scale 1'-0" = 1/8"</p>	<p>Date FEBRUARY 2020</p>	



**SOUTH ELEVATION**

**SAHAND HOMES**  
Engineering Firm  
9275 Bayview Ave.  
PO Box 31334 Bayview 16th AVE PO  
RICHMOND HILL, ONTARIO, L4C 0V7  
TEL. (647) 701-0721

90 FRED VARLEY Dr.  
MARKHAM, ONTARIO

Drawing Title SOUTH ELEVATION

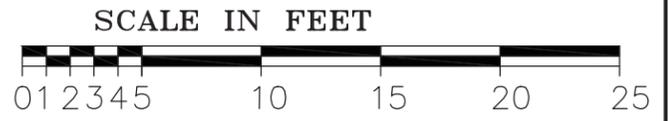
Drawn by **SHERAZ KHAN**

Scale 1'-0" = 1/8"

Date FEBRUARY 2020

**A-5**





**EAST ELEVATION**

**SAHAND HOMES**  
Engineering Firm  
9275 Bayview Ave.  
PO Box 31334 Bayview 16th AVE PO  
RICHMOND HILL, ONTARIO, L4C 0V7  
TEL. (647) 701-0721

90 FRED VARLEY Dr.  
MARKHAM, ONTARIO

Drawing Title **EAST ELEVATION**

Drawn by *[Signature]* Scale 1'-0" = 1/8"

Date FEBRUARY 2020

**A-7**



**WEST ELEVATION**

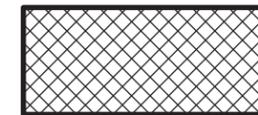
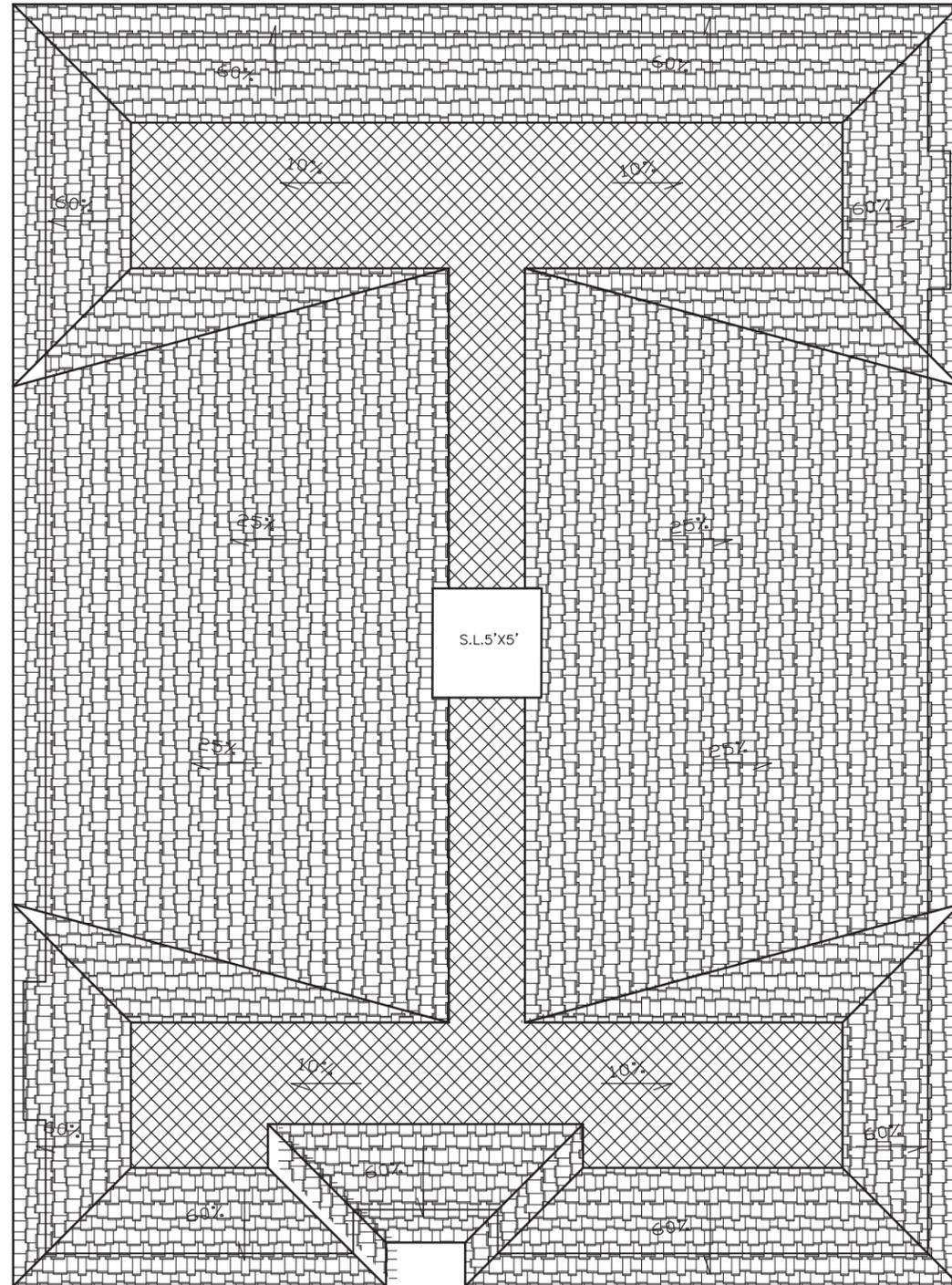
**SAHAND HOMES**  
Engineering Firm  
9275 Bayview Ave.  
PO Box 31334 Bayview 16th AVE PO  
RICHMOND HILL, ONTARIO, L4C 0V7  
TEL. (647) 701-0721

90 FRED VARLEY Dr.  
MARKHAM, ONTARIO

Drawing Title **WEST ELEVATION**

Drawn by **SAHAND HOMES** Scale **1'-0" = 1/8"** Date **FEBRUARY 2020**

**A-8**



AREA OF FLAT ROOF

FLAT ROOF (under 25% SLOP)=532.885 SqF 20.93% Coverage  
 SLOP ROOF (25% SLOP)=1164.556 SqF 45.74% Coverage  
 SLOPE ROOF(60% SLOP)=848.612 SqF 33.33% Coverage  
 TOTAL ROOF AREA (HORIZONTAL) =2546.053 SqF

SCALE IN FEET



ROOF PLAN

**SAHAND HOMES**  
 Engineering Firm  
 9275 Bayview Ave.  
 PO Box 31334 Bayview 16th AVE PO  
 RICHMOND HILL, ONTARIO, L4C 0V7  
 TEL. (647) 701-0721

90 FRED VARLEY Dr.  
 MARKHAM, ONTARIO

Drawing Title **ROOF**

Drawn by 多莉花里里芬 芬芬芬芬

Scale 1'-0" = 1/8"

Date FEBRUARY 2020

