

Memorandum to the City of Markham Committee of Adjustment

June 26, 2020

File: A/062/20
Address: 86 Havelock Gate – Markham, ON
Applicant: Duyang Li
Agent: Elyn Lin
Hearing Date: Tuesday July 7, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the “Ninth Density – Single Residential (R9) Zone” requirements of By-law 90-81, as amended, as it relates to a proposed rear yard canopy structure above an existing deck. The variance requested is as follows:

a) Section 4.6 (a):

to permit a roofed porch with unenclosed sides to project a distance of not more than 2.19 m (7.19 ft) into the required flankage yard; whereas a distance of not more than 0.45 m (1.48 ft) is permitted.

BACKGROUND

Property Description

The 549.06 m² (5,910.0 ft²) subject property is located at the southeast corner of Havelock Gate and Song Bird Drive, south of 14th Avenue and west of Boxwood Crescent. The subject property is located within an established residential neighbourhood comprised of two-storey single detached dwellings. There is an existing two-storey single detached dwelling on the subject property with an attached deck in the rear yard. Mature vegetative buffering and screening exists along the westerly and southerly lot lines.

Proposal

The applicant is proposing to erect an unenclosed canopy structure above the existing deck in the rear and flankage yards. The covered structure will have an area of approximately 28.69 m² (308.82 ft²).

Official Plan and Zoning

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

The 2014 Official Plan designates the subject property “Residential Low Rise” which provides for low rise housing forms including single detached dwellings.

Zoning By-Law 90-81

The subject property is zoned “Ninth Density – Single Residential (R9) Zone” under By-law 90-81, as amended, which permits one single detached dwelling per lot. An uncovered deck is subject to the provisions of Deck By-law 142-95, as amended. The Deck By-law does not have provisions for covered decks. Consequently, the main building setbacks apply, and the covered deck is interpreted to be similar to a roofed porch by the zoning section. Roofed porches are permitted to encroach a maximum of 0.45 m (1.48 ft) into any required yard. The proposed covered deck will encroach 2.19 m (7.19 ft) into the required flankage yard of 4.50 m (14.76 ft), hence the need for the applicant to submit a variance request to permit this structure.

Applicant's Stated Reasons for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is due to, "*the strangely shaped lot and flanking street condition.*"

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant has confirmed that a ZPR has not been conducted; however, the applicant has received comments from the building department through their permitting process to confirm the variances required for the proposed development.

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 Yard Encroachment

The applicant is requesting relief to permit a roofed porch/deck with unenclosed sides to encroach a maximum of 2.19 m (7.19 ft) into the required flankage yard of 4.5 m (14.76 ft), whereas the By-law permits a maximum encroachment of 0.45 m (1.48 ft) into any required yard.

The applicant submitted a site plan (Appendix "B") which shows the proposed covered deck will maintain a flankage side yard of 2.31 m (7.58 ft) and rear yard of 7.05 m (23.1 ft). Staff have reviewed this proposal in the context of Section 45(1) of the *Planning Act* and do not have any concerns with the proposed development. Should the Committee decide to approve the application, staff recommend that the conditions provided in Appendix "A" be adopted which includes that the canopy structure remain unenclosed.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 26, 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

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, public meetings, eligibility for appeals to LPAT, etc.) of *Planning Act* applications shall proceed as they did prior to the declaration of the emergency.

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.

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:



Stephen Corr, Senior Planner, East District

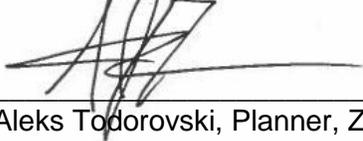
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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/062/20

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 May 7, 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 the canopy structure remain unenclosed.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

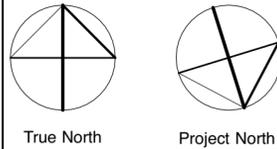
APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/062/20

Location of Work:



Project Consultants:

Architectural:
 John MacDonald Architect inc.
 141 Whitney Place
 Kitchener, Ontario N2G 2X8
 (519) 579-1700
 Contact: John MacDonald



House Backyard Canopy
 86 Havelock Gate,
 Markham, ON L3S 3P6

General Notes:

Professional Design

The design prepared by John MacDonald Architect inc. (the Consultant) is intended to govern changes or alterations as indicated in Documents, solely for the specific project noted, for use by the Owner under the terms and conditions of an agreement between the Owner and John MacDonald Architect inc. The Documents do not imply a contractual relationship on the part of John MacDonald Architect inc. to any other party for any purpose, including but not limited to their use in the performance of the Work under agreements between other parties, or the use of the Work by other parties.

General Requirements:

This Work includes all measures required for protection of the public, users and the Work, including barriers, and protection required for installation of materials and products to highest standards of quality for workmanship.

Existing Conditions:

The design is based upon reviewing existing conditions which are implied in the design. The Owner is to verify existing conditions as the Work proceeds, and identify any condition revealed in the course of the Work which may not conform to initial assumptions expressed or implied by the Documents. DO NOT PROCEED IN UNCERTAINTY.

Information shown on drawings is subject to onsite verification. Information which forms the basis for the preparation of documents has been obtained by preliminary site measurement only, and is to be verified by the Contractor.

Perform all work in strict accordance with applicable codes and regulations for construction projects, workplace legislation, and WHMIS instructions for handling and use of materials.

Authorities having Jurisdiction

Work undertaken is for zone R-9 single detached house backyard canopy to meet OBC Part-9 requirements, all as described in the Documents.

It is the Consultant's understanding based upon information from the Owner that site plan approval is not required for this project.

All work is to be performed to exceed the standards and regulations of Codes and authorities having jurisdiction.

Review Letter:

These drawings are to be read together with JMA review letter to Markham Building Department dated Feb 14, 2020.

List of Abbreviations:

See also Specifications section 01090

- A.F.F. Above Finished Floor
- B.O. Bottom Of
- CB Concrete Block
- C.L. Centre Line
- CLG. Ceiling
- CONC Concrete
- CJ Control Joint
- C/W Complete With
- DIM Dimension
- Elec Electrical
- EP Electrical Panel
- Ex. Existing
- Exist. Existing
- EJ Expansion Joint
- FA From Above
- FB From Below
- FD Fire Damper
- F.E. Fire Extinguisher
- F.F. Finished Floor
- F.R.R. Fire Resistance Rating
- F.S. Fire Separation
- GL Glass
- G.L. Gridline
- GWB Gypsum Wallboard
- I/S Inside
- LF Light Fixture
- Mech Mechanical
- MG Make Good
- Min. Minimum
- Min. Minute
- N/A Not Applicable
- O/S Outside
- PLY Plywood
- PT Paint
- RWL Rain Water Leader
- TA To Above
- TB To Below
- TBD To Be Determined
- TG Tempered Glass
- T.O. Top Of
- UC Undercut
- UNO Unless Noted Otherwise
- u/s Underside
- WD Wood

j.c. Job Check: Contractor to confirm measurements to consultant immediately upon completion of selective demolition prior to proceeding with new Work. In case of discrepancy confirm instructions prior to proceeding.

HOLD Critical dimension: Contractor to maintain exact dimension.

N.I.C. Not in Contract: The only means by which something shown or specified shall be indicated as not being in the contract is by the use of the initials "NIC" or the words "not in (the) contract", or "by Owner".

Legend:

- Building Elevation
- Building Section
- Detail Section
- Foundation Wall Type, Wall Type See A000 series Sheets
- Floor Type, Roof Type See A000 series Sheets
- Partition Type See A000 series Sheets
- Ceiling Type See A000 series Sheets
- Room Numbers
- Denotes Existing Assembly
- Denotes Fire Separation
- F.S. Denotes Fire Separation
- F.R.R. Denotes Fire Resistance Rating
- j.c. job check indicates dimension which must be confirmed onsite
- Smoke Alarm

List of Documents:

Architectural Drawings: (JMA)

- A001 General Notes and Information
- A101 Site Plan
- A201 Porch Floor Framing Plan
- A202 Roof Framing Plan
- A203 Section Details

Appendix B



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No.	Issued for Purpose	Date	Initial
P	For Permit	Feb. 14' 20	JHM

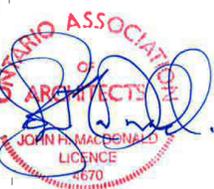
No.	Revision	Date	Initial
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Project
House Backyard Canopy

86 Havelock Gate
Markham, ON. L3S 3P6

Approved	
Checked	JM
Drawn	EL

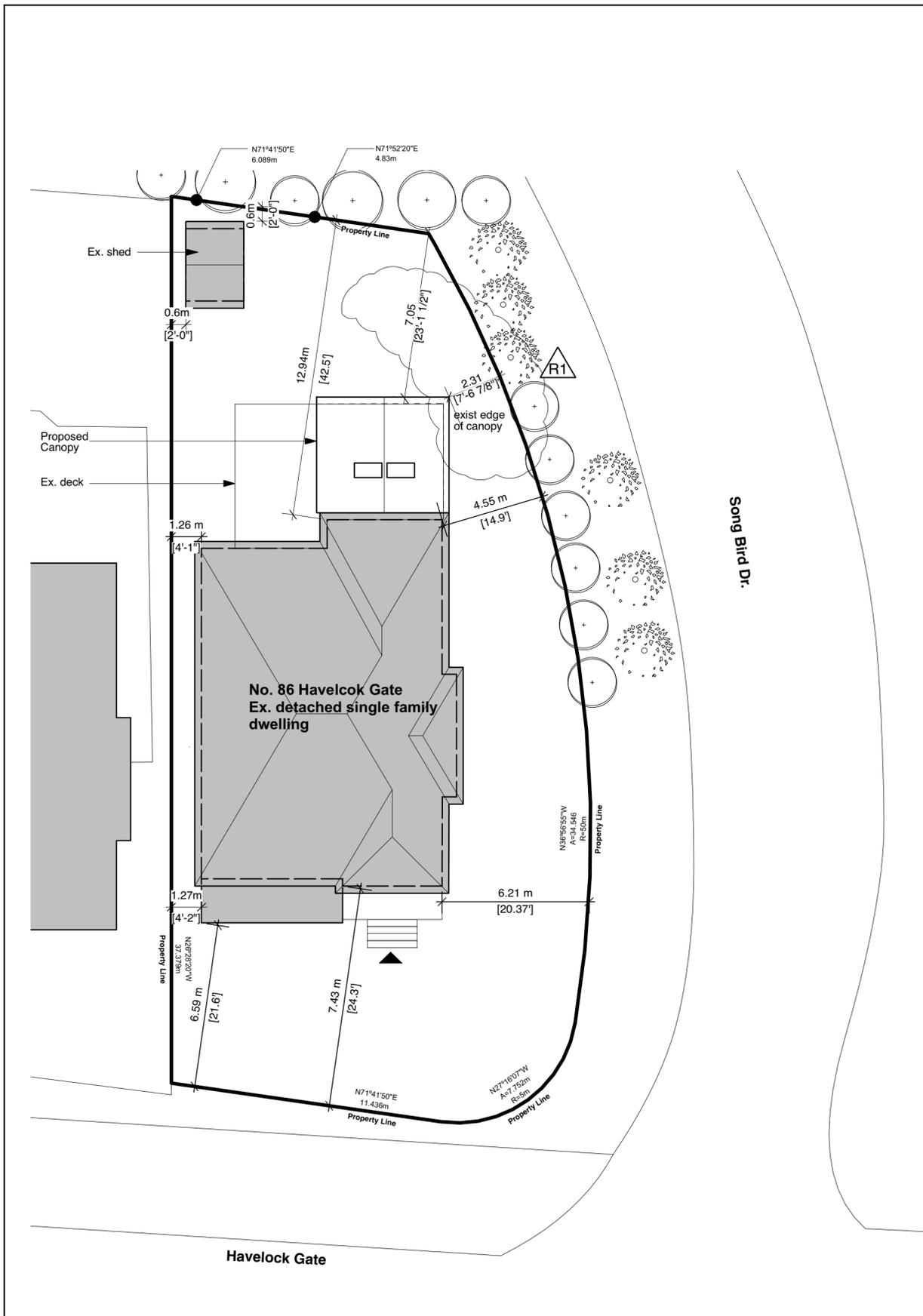
General Note



Scale (for 18x24" printing) Dwg. No.

NTS A001

John MacDonald Architect inc



1 Site Plan
A101 1 : 150

Disclaimer:
This drawing has been reproduced from information supplied by the Owner, using Plan of Survey dated Jan. 15, 1996, as prepared by P.SALNA COMPANY Limited, Ontario Land Surveyor. John MacDonald Architect does not warrant the accuracy of any information on this drawing.



Legal Description:
Lot 25, Registered Plan 65M-2930, City of Markham



Site Statistics:
Zoning = Residential Nine (R9) Zone
Zoning Regulations:
Existing Use = Single Detached Building
Minimum Lot Frontage = 12 m (39.3 ft.)
Existing Lot Frontage = 15 m (51.8 ft.)
Minimum Lot Area = 371.5 sq.m. (3,998 sq.ft.)
Existing Lot Area = 549.06sq.m. (5,910 sq.ft.)
Minimum Front Yard Setback = 6.0 m (19.6 ft.)
Existing Front Yard Setback = 6.59m (21.6 ft.)
Minimum Side Yard Setback = 1.2 m (3.9 ft.)
Existing Side Yard (East) Setback = 1.26 m (4.1 ft.)
Minimum Flanking Street Setback = 4.5 m (14.7 ft.)
Existing Flanking Street Setback = 4.55 m (14.9 ft.)
New Flanking Street Setback = 2.8 m (9.4 ft.)
Minimum Rear Yard Setback = 7.5 m (24.6 ft.)
Existing Rear Yard Setback = 12 m (40 ft.)
New Rear Yard Setback = 7.5m (24.6 ft.)
Maximum Building Height = 10.7 m (35.1 ft.)
Existing Building Height = <10 m (<32.8 ft.)
Maximum No. of Main Buildings = 1 (one)
Existing No. of Main Buildings = 1 (one)
Maximum Lot Coverage = 40%
Existing Lot Coverage = 27%
New Lot Coverage = 28.7% (<40%)
Note: The calculation includes area of existing rear yard shed

Accessory shed area is 8.9sqm (1.5% coverage, less than 5% max.)
Shed is 3.0m tall (less than 4.5m tall)

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No.	Issued for Purpose	Date	Initial
P	For Permit	Feb. 14 '20	JHM
2	Resubmission	Mar. 18 '20	JM
R1	General Revision	Mar.18' 20	JM
No.	Revision	Date	Initial

Project
House Backyard Canopy

86 Havelcok Gate
Markham, ON. L3S 3P6

Drawing Title	Approved	Checked	Drawn
Site Plan	JM	JM	EL



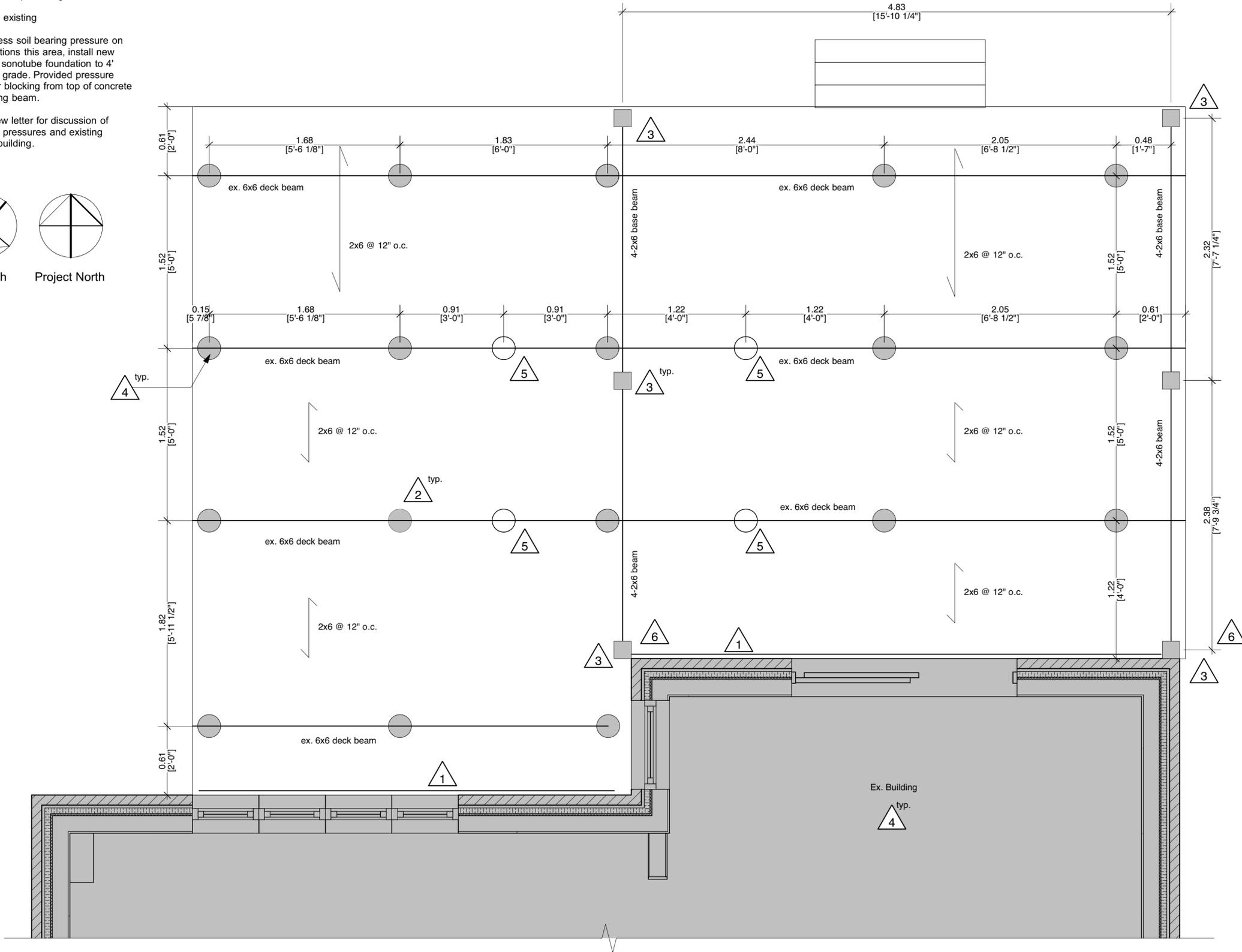
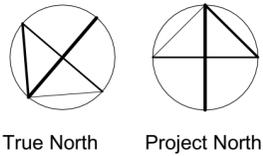
Scale (for 18x24" printing) 1:150
Dwg. No. A101

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Notes to Roof Framing Plan

- 1 Ex. ledger board w/ anchor bolts into ex concrete foundation wall, to remain
- 2 Ex. round sonotube concrete deck footing. 4' deep below grade
- 3^{typ.} Ex. 12"x12" concrete footing for support of roof canopy. 4' deep below grade
- 4 Gray indicates existing
- 5 To relieve excess soil bearing pressure on central foundations this area, install new 10"Ø concrete sonotube foundation to 4' below existing grade. Provided pressure treated lumber blocking from top of concrete to u/s of existing beam.
- 6 See JMA review letter for discussion of lateral bearing pressures and existing foundation of building.



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Markham, ON. L3S 3P6

Approved		
Drawing Title	Checked	JM
	Drawn	EL

Ground Floor Framing Plan



Scale (for 18x24" printing)	Dwg. No.
1:25	A201

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The Courtyard @ Bonnie Stuart Suite 101 141 Whitney Place Kitchener ON N2G 2X8
info@johnmacdonaldarchitect.ca (519) 579 1700

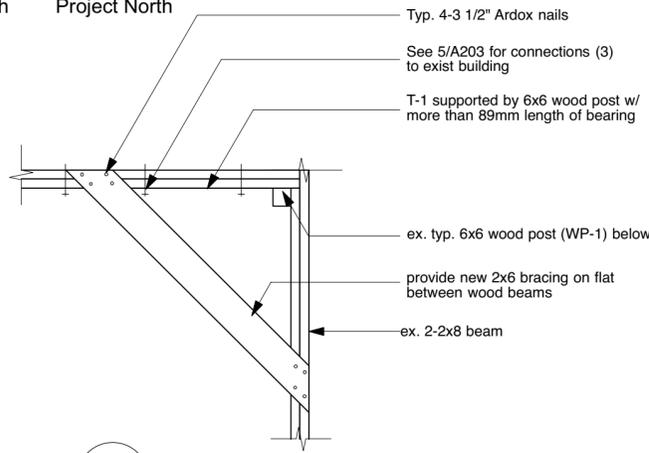
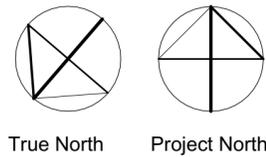


Notes to Roof Framing Plan

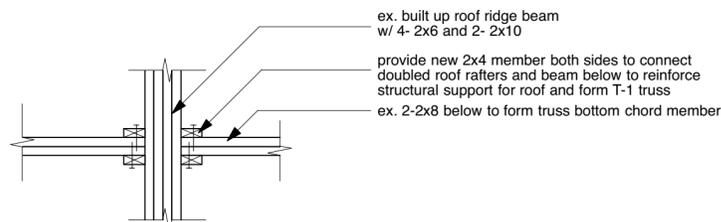
- 1 ex. built-up roof ridge beam, see detail sheet 3/ A203.
- 2 typ. ex. wood post 6x6.
- 3 openings size 2'x4'. Double up the rafter each side.
- 4 ex. 2-2x8 ledger beam anchored to ex. building, see details Sheet A203.
- 5 ex. roof finished w/ 3/4" ply and v.r. roof felt and roof shingles finish.
- 6 provide 2x6 bracing structural member on each corner of roof framing, see diagram 2/ A202.
- 7 see JMA review letter. Dated Feb. 14, 2020

Structure Member List:

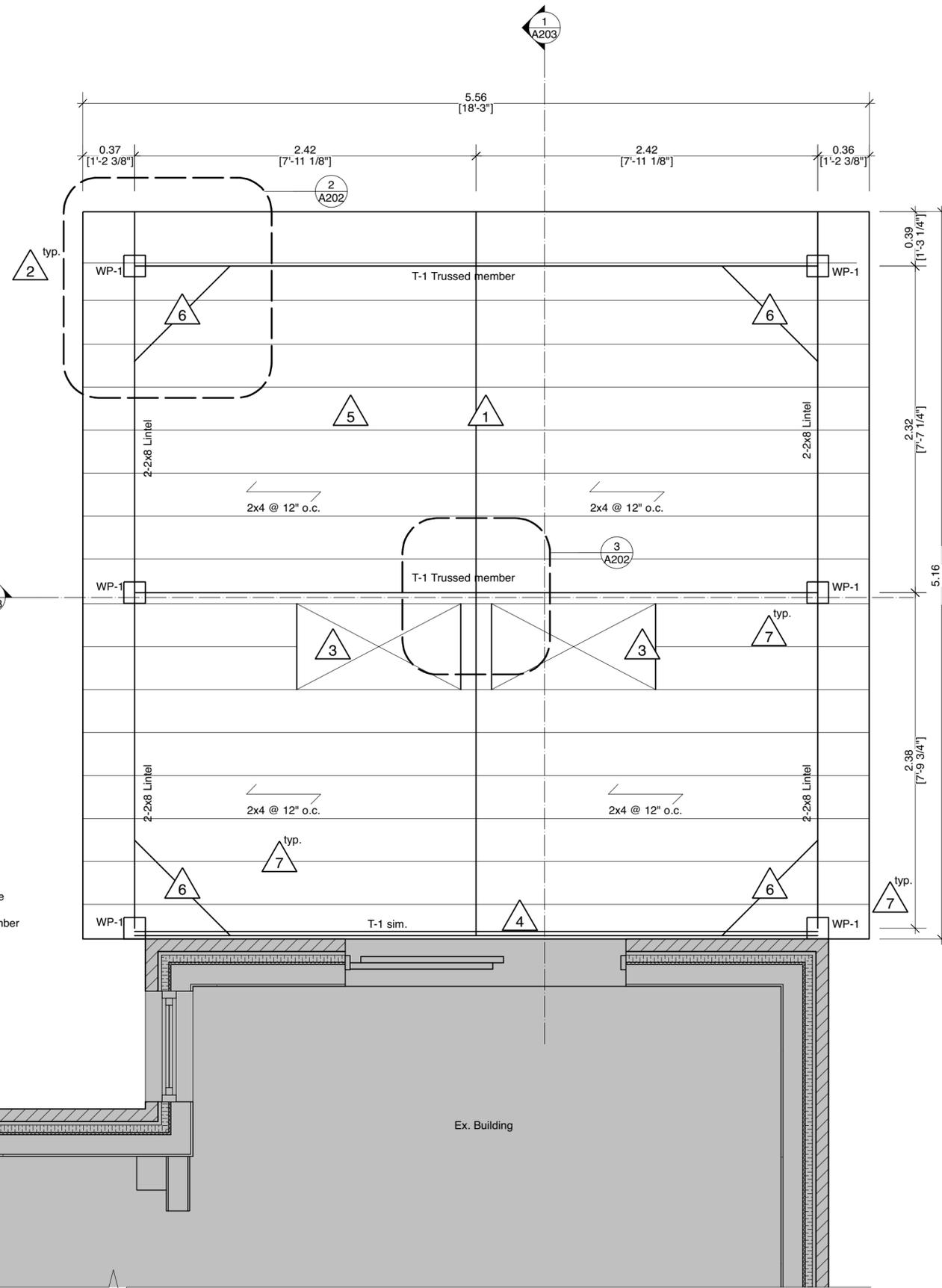
- WP-1: ex. 6x6 PT. Wood Post
- T-1: trussed, (see detail sheet A203)
- R-1: ex. 2x4 Rafter @ 12" o.c.



2
A202
Bracing Detail
1 : 20



3
A202
Roof Ridge Reinforce Detail to T-1 Truss
1 : 20
See also 3/ A203



1
A202
Canopy Roof Framing Plan
1 : 25

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Project
House Backyard Canopy

86 Havelock Gate
Markham, ON. L3S 3P6

Approved	
Checked	JM
Drawn	EL

Drawing Title

Canopy Roof Framing Plan

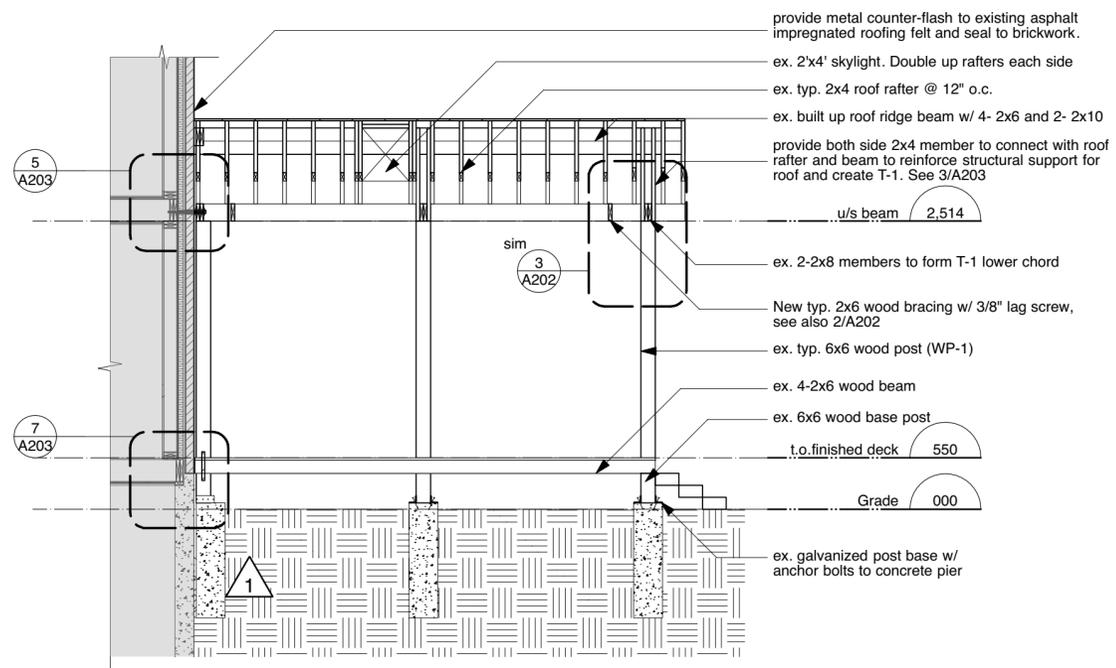


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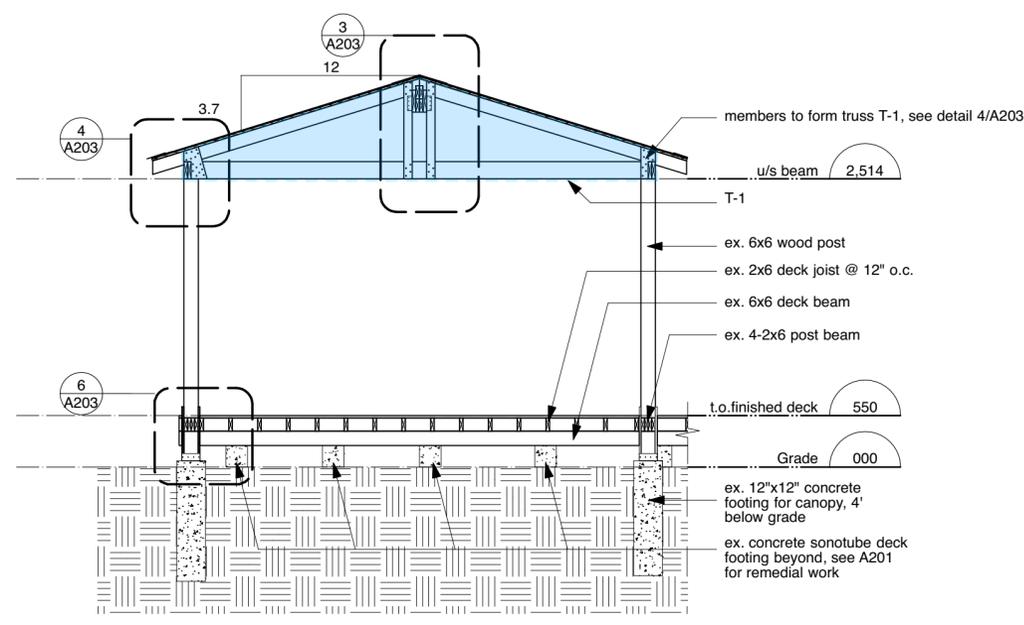
As Shown A202 / A21

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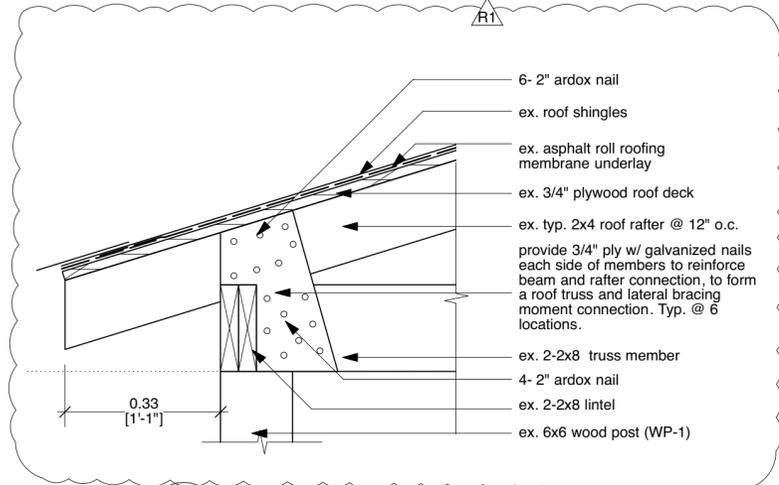
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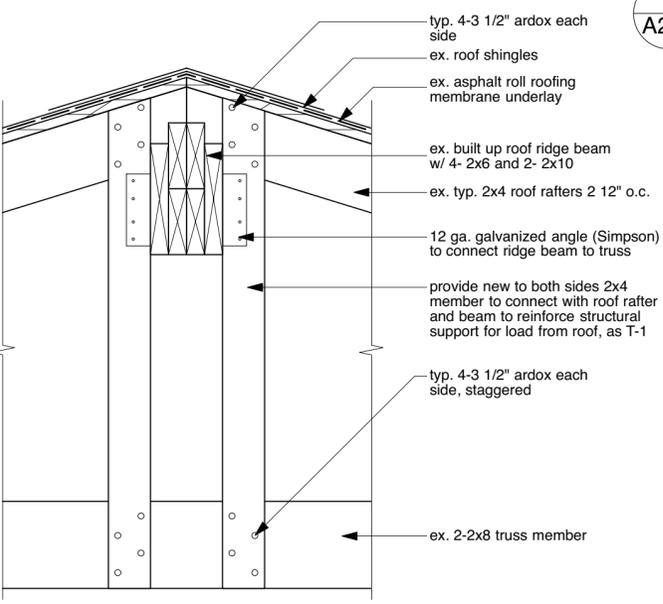
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A203 1 : 50



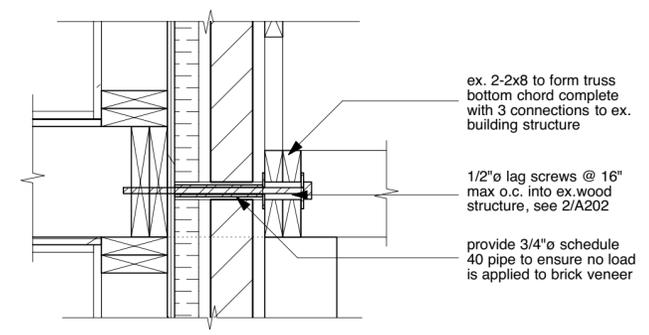
2 Section
A203 1 : 50



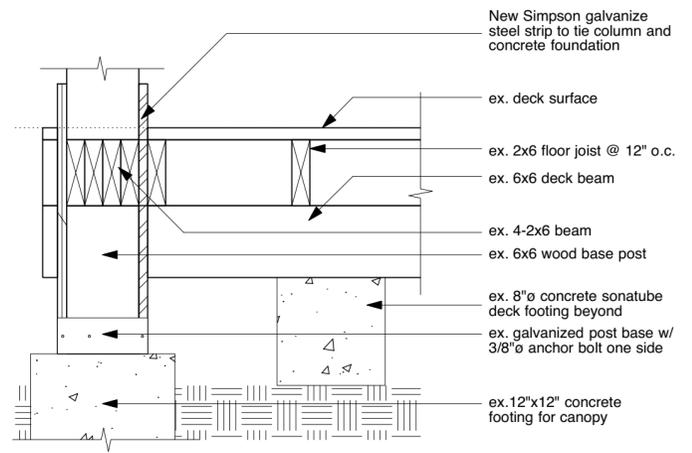
4 Beam and Rafter Detail (T-1)
A203 1 : 10



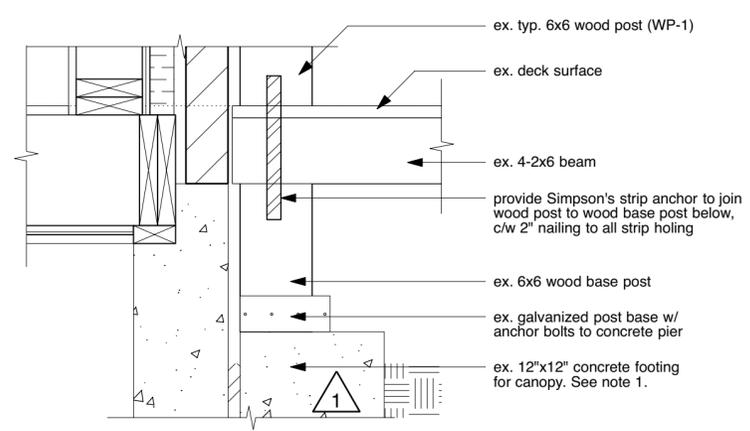
3 Ridge Beam Detail (T-1)
A203 1 : 10



5 Lateral Connection Detail
A203 1 : 10



6 Beam and Column Detail
A203 1 : 10



7 Footing Detail
A203 1 : 10

Note to Section Detail 1&7 / A203

1 The deck framing has been attached to the existing foundation by ledger board, lagged in with expansion bolts. As such, its bearing in the area of backfilled basement wall is not a factor. For the roof structure, we have looked at the likely load imposed (27 psf live and approx. 10 psf dead load) upon the two posts nearest the existing foundation wall. These posts carry much less load in the structural layout, (18 sf of roof area):

- this results in a load of (37 times 18) or 666 lbs, applied on a foot square pier.
- stress level to the backfilled area is, we believe, adequate given the age of the existing structure.

The two piers associated with the roof apply their loads near corners of the existing basement structure. As such, the existing corner foundation wall is capable providing resistance to any lateral pressures that result from the presence of the new piers.

See JMA review letter.

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No.	Revision	Date	Initial
R1	Revised Detail	Mar. 18 '20	JM

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Drawing Title	Approved	Checked	Drawn
Section Details	JM	JM	EL



Scale	Dwg. No.
(for 18x24" printing) As Shown	A203

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