

Memorandum to the City of Markham Committee of Adjustment

July 17, 2020

File: A/068/20
Address: 36 Fairway Heights Drive – Markham (Thornhill), ON
Applicant: Shirali Kianian-Bigdeli
Agent: David Small Designs
Hearing Date: Thursday July 23, 2020

The following comments are provided on behalf of the West Team. The applicant is requesting relief from the “Single Family Detached Dwelling Special Residential Third Density (SR3) Zone” under By-law 1767, as amended, as it relates to a proposed new two-storey detached dwelling. The requested variance is as follows:

a) By-law-100-90, S. 1.2 (iii):

to permit a building depth of 20.10 m (65.94 ft); whereas the By-law permits maximum building depth of 16.80 m (55.12 ft).

BACKGROUND

Property Description

The 1,617.75 m² (5,307.58 ft) subject property is located on the south side of Fairway Heights Drive where the street intersects with Fairway Heights Crescent, north of Steeles Avenue East, east of Leslie Street, and west of the Railway Corridor. There is an existing one-storey detached dwelling on the property with mature trees that exist throughout the property. The subject property has a lot depth of approximately 61.23 m (200.89 ft). One and two-storey single detached dwellings are the predominant built form on residential lots existing along both Fairway Heights Drive and Fairway Heights Crescent. The residential lots along these streets back onto the Bayview Golf and Country Club Golf Course. Both streets are undergoing a transition with newer dwellings being developed as infill developments.

Proposal

The applicant is proposing to demolish the existing one-storey detached dwelling and construct a two-storey detached dwelling with an attached two car garage, and walk-out basement in the rear yard. The applicant is proposing a dwelling with a ground floor area of approximately 343.03 m² (3,692.34 ft²) including the garage, and a second floor area of 262.23 m² (2,822.62 ft²) for a total gross floor area of approximately 605.65 m² (6,519.16 ft²). The applicant is proposing a maximum building depth of 20.10 m (65.94 ft).

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and further 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 1767

The subject property is zoned “Single Family Detached Dwelling Special Residential Third Density (SR3)” under By-law 1767, as amended, which permits one single detached dwelling per lot.

Residential Infill Zoning By-law 100-90

The subject property is also subject to the Residential Infill Zoning By-law 100-90. 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.

Previous Committee of Adjustment Approval

The Committee of Adjustment previously approved a minor variance application (A.23.15) on the subject property in 2015, where the following variances were requested under By-law 1767, as amended, to permit:

- a maximum eaves encroachment of 0.51 m (20.0 in), whereas By-law 1767 permits a maximum yard encroachment of 0.46 m (18.0 in);
- a minimum side yard setback of 1.82 m (6.0 ft), and the sum of the width of both side yards to be 10% (12.0 ft) of the total lot frontage, whereas By-law 1767 requires a minimum side yard setback of 1.82 m (6.0 ft) and the sum of the width of both side yards shall not be less than 20% (24.0 ft) of the total lot frontage;
- a maximum building depth of 19.68 m (64.57 ft), whereas Infill By-law 100-90 permits a maximum building depth of 16.80 m (55.12 ft); and
- a maximum deck projection of 3.65 m (11.98 ft), whereas the Deck By-law 142-95 permits a maximum deck projection of 3.0 m (9.84 ft).

The applicant has confirmed that the 2015 decision was tied to drawings that are no longer being used for construction.

Staff advise that the current application (A.068.20) which requests relief for a greater building depth is separate from the application made in 2015 with respect to the proposed development. In the event of any approval to the current minor variance application, the variances from the previous application (A.23.15) would not apply to the proposed development.

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 trapezoidal pie shaped lot for this property creates a pinch-point for the width of this property requiring rooms that need a connecting relationship to extend further back. The inclusion of the covered entry and rear porch in the definition of building*

length combined with the shape of the lot, result in the need for a minor variance in building depth”.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a ZPR has not been conducted. However the applicant has received comments from the building department through their permit 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 Building Depth

The applicant is requesting relief to permit a maximum building depth of 20.10 m (65.94 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This is an increase of approximately 3.30 m (10.82 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.

The proposed development includes a covered porch in the front, and both a covered and uncovered porch in the rear yard located on separate floors above the basement level. The porches add approximately 3.61 m (11.84 ft) to the overall depth of the building. The main component of the building, excluding the porches, has a depth of 16.43 m (53.90 ft) which complies with the By-law requirement. Staff are of the opinion that the proposed development is appropriate for the lot, and do not object to the requested variance to increase the maximum building depth.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 17, 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.

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 requested variance to increase the maximum building depth to 20.10 m (65.94 ft.) 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:

Rick Cefaratti, Senior Planner, West District for:

David Miller, Development Manager, West District

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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/068/20

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 with a batch stamp date of July 17, 2020 attached as Appendix "B" to this Staff Report and received by the City of Markham, 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 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.
6. That the porches remain unenclosed.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/068/20

