

Memorandum to the City of Markham Committee of Adjustment

November 28, 2019

File: A/124/19
Address: 1 Tusday Crt – Markham, ON
Applicant: York Mills Custom Homes Ltd.
Agent: Ron Custom Homes
Hearing Date: Wednesday December 11, 2019

The Central Team provides the following comments. The Applicant requests relief from the following requirements of the R4 – “Fourth Density Single Family Residential” Zone under By-law 11-72, as amended, as it relates to a proposed new two-storey single detached dwelling:

a) **Section 3.7:**

To permit uncovered and unenclosed walk-up stairs to encroach 2.9 m (9 ft 6 in) into the required rear yard, whereas the By-law permits a maximum encroachment of 1.52 m (5 ft) into a rear yard for uncovered platforms; and

b) **Section 6, Schedule B:**

To permit a minimum front yard setback of 6.1 m (20 ft), whereas the By-law permits a minimum front yard setback of 8.23 m (27 ft).

BACKGROUND

Property Description

The 603.83 m² (6,499.55 ft²) subject property is located on the southwest corner at the intersection of Tusday Court and Fred Varley Drive and generally located north of Highway 7, west of Main Street Unionville, east of Village Parkway, and south of Kreighoff Ave (the “subject property”). An existing one-storey single detached dwelling, constructed in 1967, currently occupies the subject property and was formerly addressed 116 Fred Varley Drive.

The subject property is within an established residential neighbourhood primarily comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill development. Mature trees and vegetation exist throughout the property located in the front, side and rear yards.

Proposal

The Applicant proposes to demolish the existing one-storey single detached dwelling and seeks to construct a new single detached two-storey dwelling (the “proposed development”) while requesting relief from the minimum front yard setback and the maximum yard encroachment in the rear yard.

Official Plan and Zoning

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

The subject property is designated “Residential - Low Rise”, which permits low-rise housing forms including single detached dwellings. The Official Plan defines low-rise dwellings as up to three storeys in height. In considering infill applications for development

approval, the proposed development must meet the general intent of the 2014 Official Plan as it relates to height, massing and setbacks to ensure that it is appropriate for the subject property, compatible with the character and pattern of adjacent and surrounding development, and generally consistent with zoning requirements.

Zoning By-Law 11-72

The subject property is zoned R4 - "Fourth Density Single Family Residential" under By-law 11-72, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirements of the R4 zone with respect to the minimum front yard setback and maximum yard encroachment.

Tree Preservation By-law 2008-96 & 2008-97

The Applicant submitted an Arborist Report (October 3, 2019) on November 4, 2019, as part of this application package. Should Committee approve this application, Staff recommends that the approval be subject to the related tree preservation and protection conditions provided in Appendix "A".

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, *"due to the shape and size of the lot"*.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant submitted an application for a ZPR on September 18, 2019, 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Permitted Rear Yard Encroachment

The Applicant requests relief to permit uncovered and unenclosed walk-up stairs that would encroach a maximum of 2.9 m (9 ft 6 in) into the rear yard, whereas the By-law permits a maximum encroachment of 1.52 m (5 ft) for uncovered platforms. This represents an increased projection of approximately 1.38 m (4 ft 6 in).

The walk-up stairs are located in the rear yard and below grade. Therefore, Staff are of the opinion that the proposed encroachment would not impact the abutting properties and overall character of the neighbourhood, and therefore do not object to the approval of this variance.

Reduction in Front Yard Setback

The Applicant requests relief to permit a minimum front yard setback of 6.1 m (20 ft), whereas the By-law requires a minimum front yard setback of 8.23 m (27 ft). This represents a reduction of 2.13 m (7 ft) that would facilitate construction of the proposed

new dwelling. The main front wall of the proposed dwelling is generally consistent with the established front yard setback pattern along Fred Varley Drive.

Staff are of the opinion that the proposed development is appropriate and is generally consistent with the overall context of the neighbourhood and abutting properties.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 28, 2019. 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 to the application. 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 List

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:

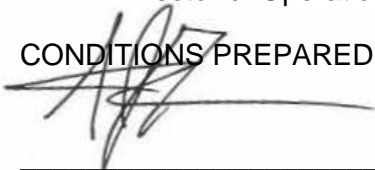


Stephen Lue, Development Manager, Central District

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/124/19

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 November 4, 2019, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been satisfactorily fulfilled.
3. That the owner implement and maintain all of the works required in accordance with the conditions of this variance.
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 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.
6. 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:

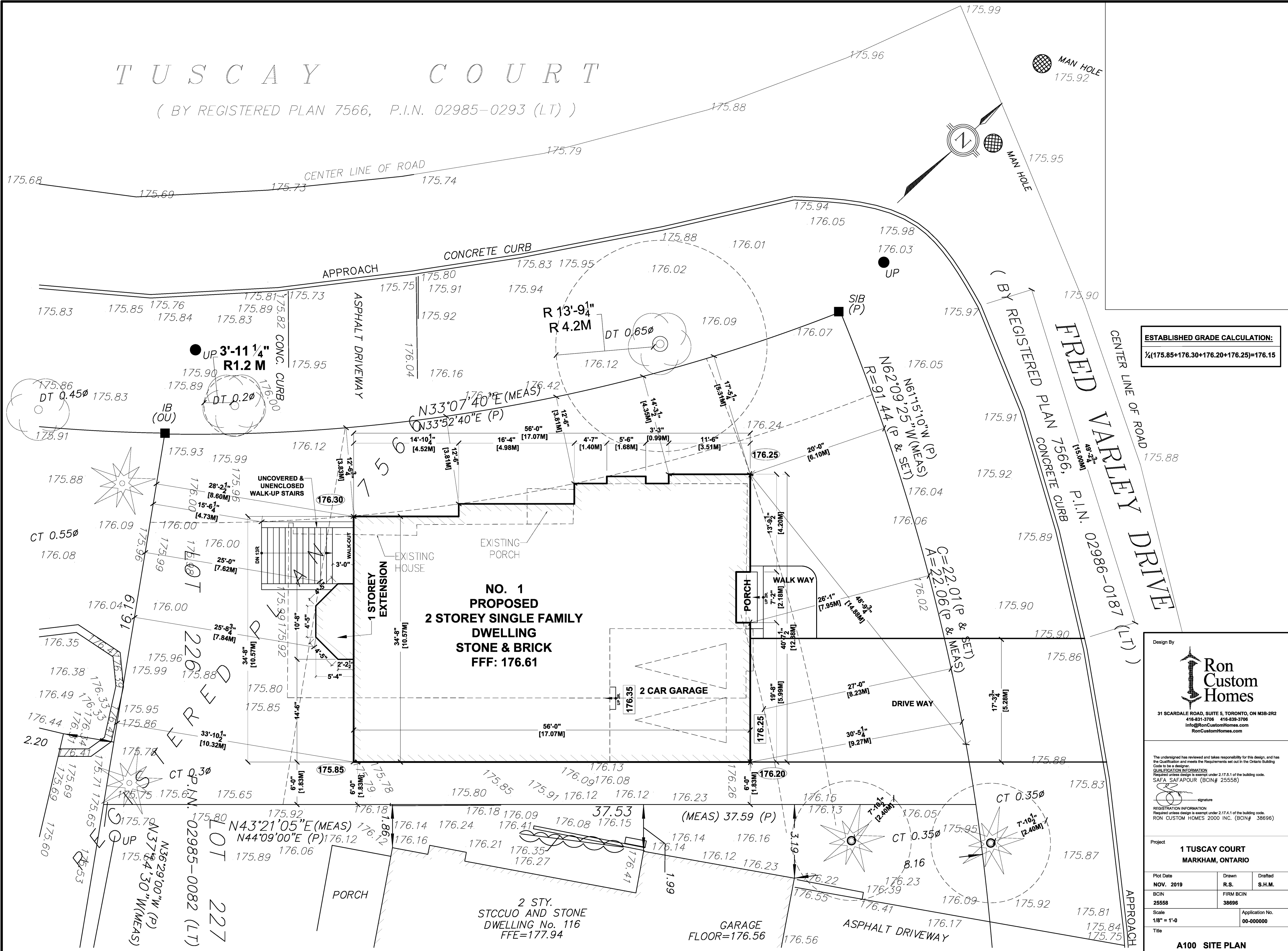


Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX “B”
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/124/19

TUSCAY COURT

(BY REGISTERED PLAN 7566, P.I.N. 02985-0293 (LT))



Design By

Ron Custom Homes

31 SCARDALE ROAD, SUITE 5, TORONTO, ON M3B-2R2
416-331-3706 416-339-3706
Info@RonCustomHomes.com
RonCustomHomes.com

The undersigned has reviewed and takes responsibility for this design, and has the Qualification and meets the Requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the building code.
SAFA SAFAPOUR (BCIN# 25558)

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the building code.
RON CUSTOM HOMES 2000 INC. (BCIN# 38696)

Project

1 TUSCAY COURT
MARKHAM, ONTARIO

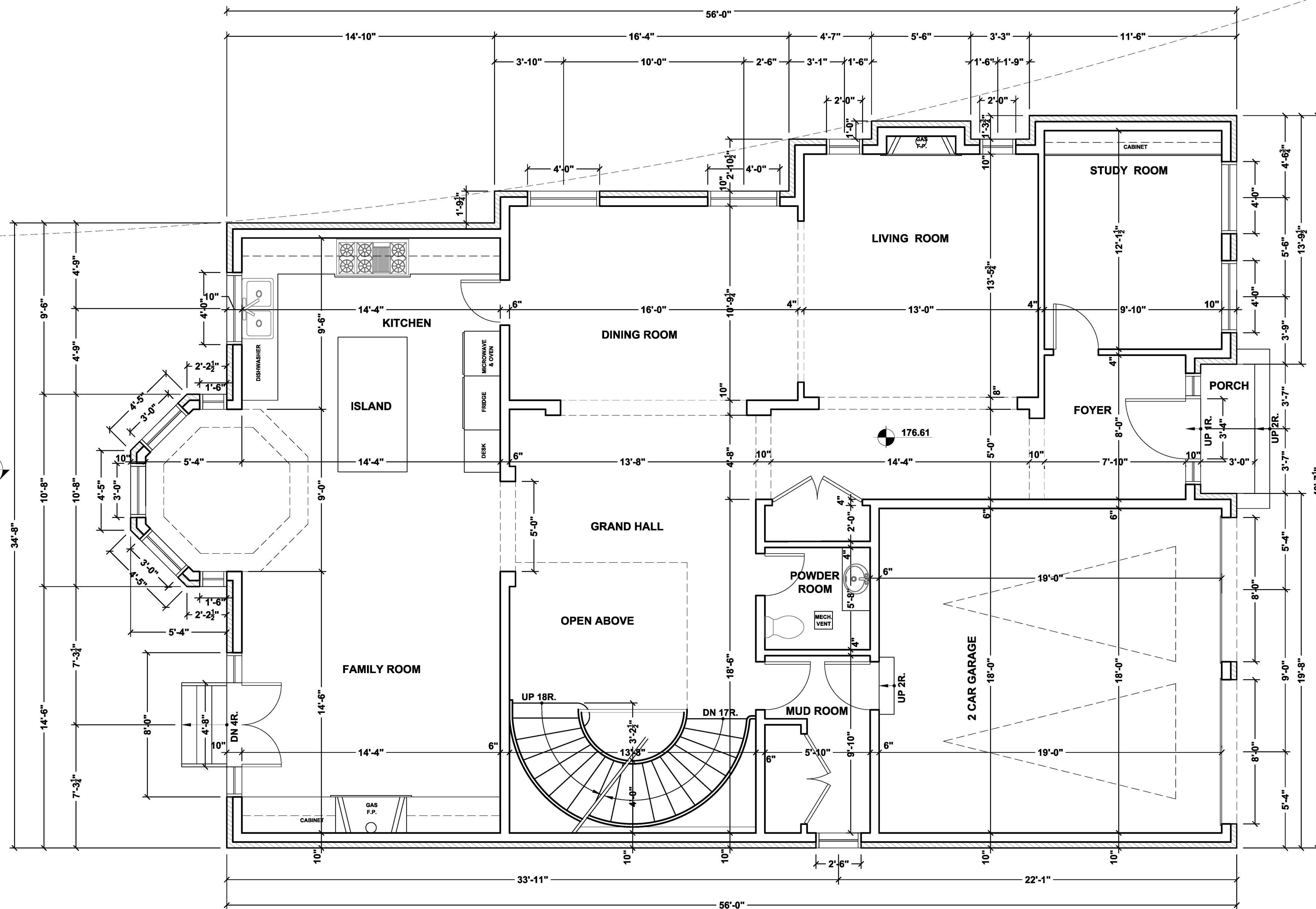
Plot Date	Drawn	Drafted
NOV. 2019	R.S.	S.H.M.

BCIN	FIRM BCIN
25558	38696

Scale	Application No.
1/8" = 1'-0"	00-000000

Title

A100 SITE PLAN



GROUND FLOOR PLAN

SCALE : 1/4"=1'-0'

Design By



31 SCARDALE ROAD, SUITE 5, TORONTO, ON M3B-2R2
416-831-3706 416-839-3706
info@RonCustomHomes.com
RonCustomHomes.com

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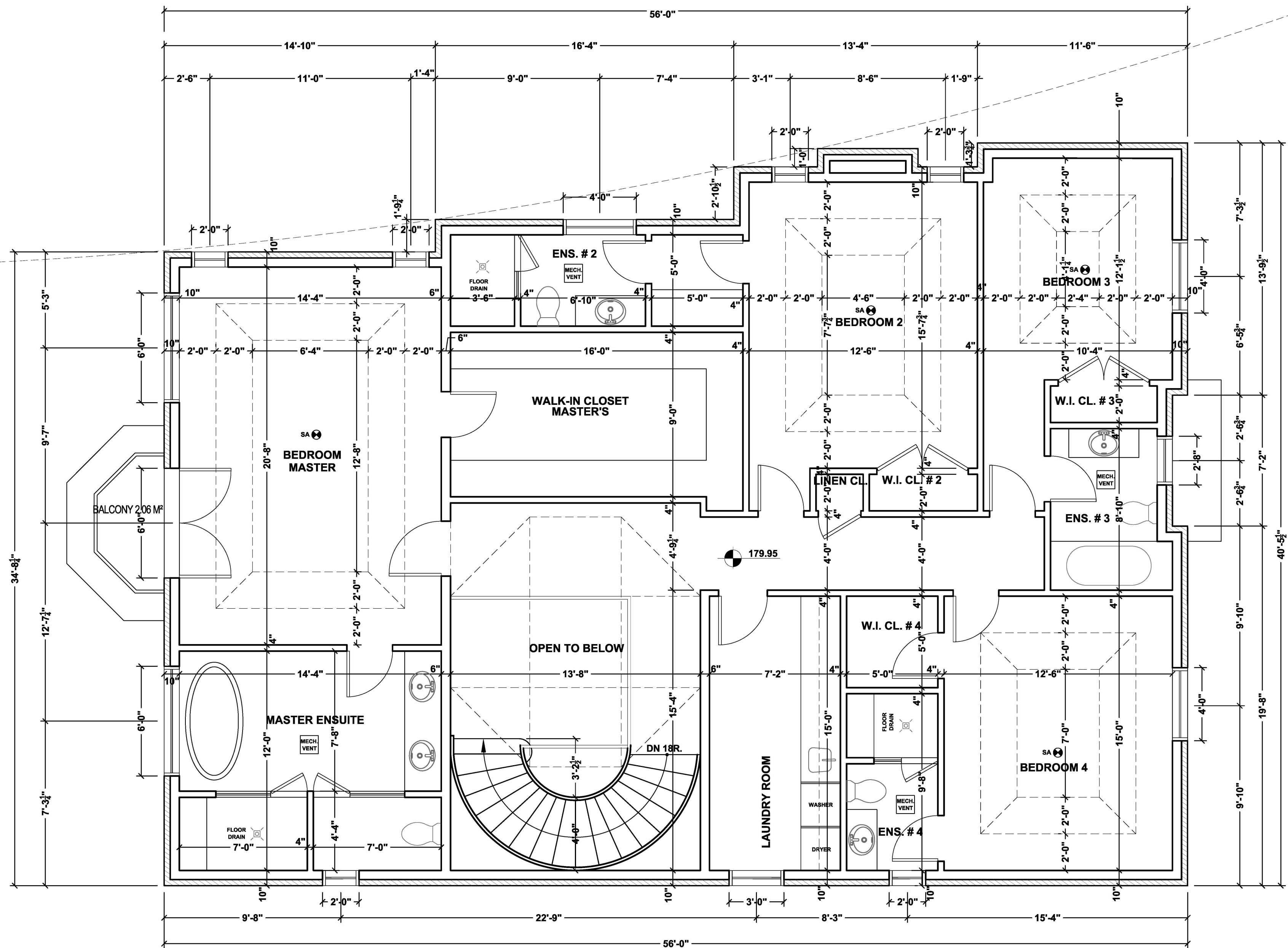
Project

1 TUSCAY COURT
MARKHAM, ON

Plot Date NOV. 2019	Drawn R.S.	Drafted S.H.M.
BCIN 25558	FIRM BCIN 38696	
Scale 1/4" = 1'-0	Application No. 00 000000	

Title

A301 - GROUND FLOOR PLAN



SECOND FLOOR PLAN

SCALE : 1/4"=1'-0"

Design By



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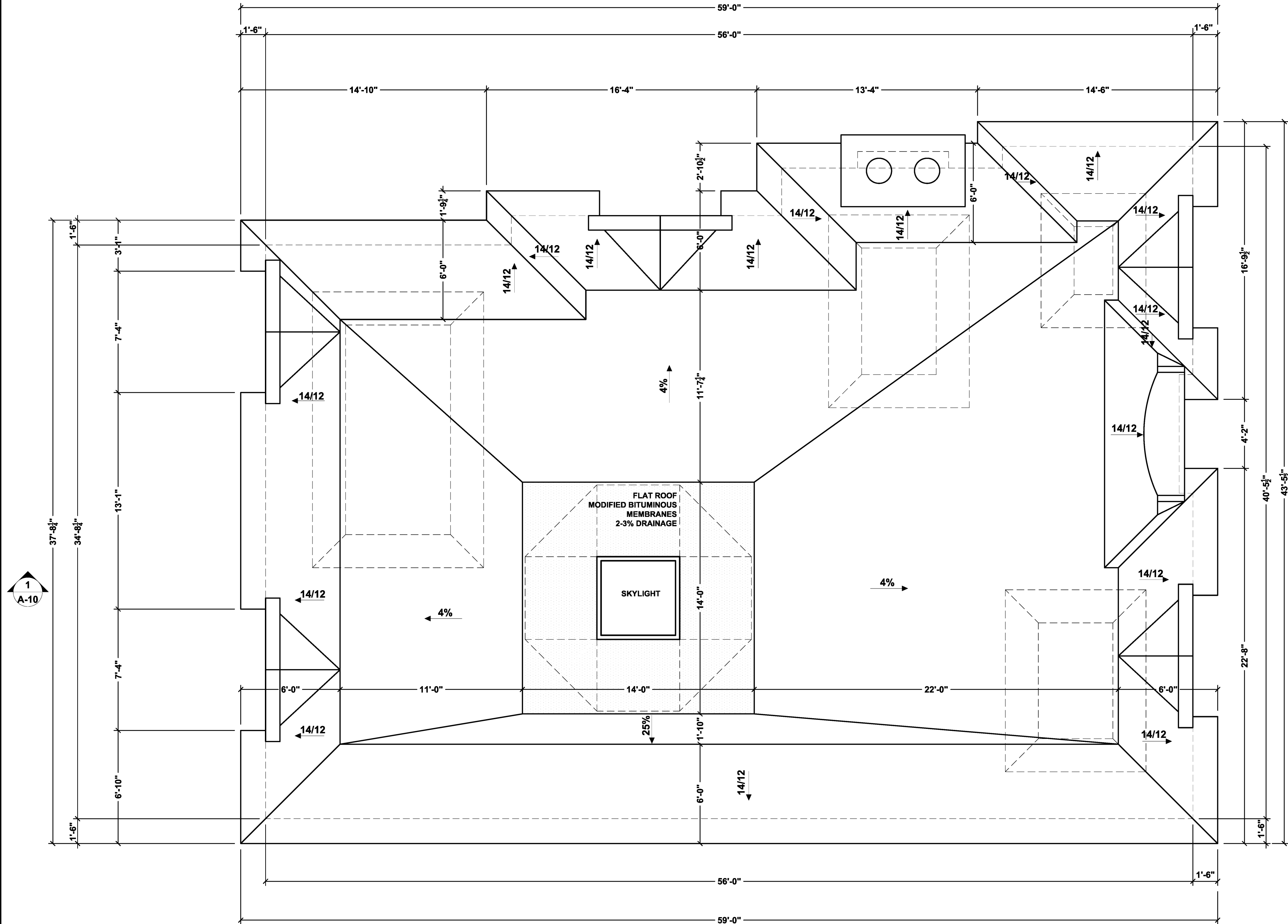
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Project

1 TUSCAN COURT
MARKHAM, ON

Plot Date NOV. 2019	Drawn R.S.	Drafted S.H.M.
BCIN 25558	FIRM BCIN 38696	
Scale 1/4" = 1'-0	Application No. 00 000000	

Title
A302 - SECOND FLOOR PLAN



ROOF PLAN
SCALE : 1/4"=1'-0"

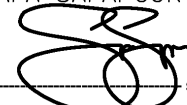
TOTAL ROOF AREA	2394.77 Sq.Ft.	100 %
PITCHED ROOF AREA (≥15°)	1096.10 Sq.Ft.	45.7%
FLAT ROOF AREA (<15°)	1298.67 Sq.Ft.	54.3%

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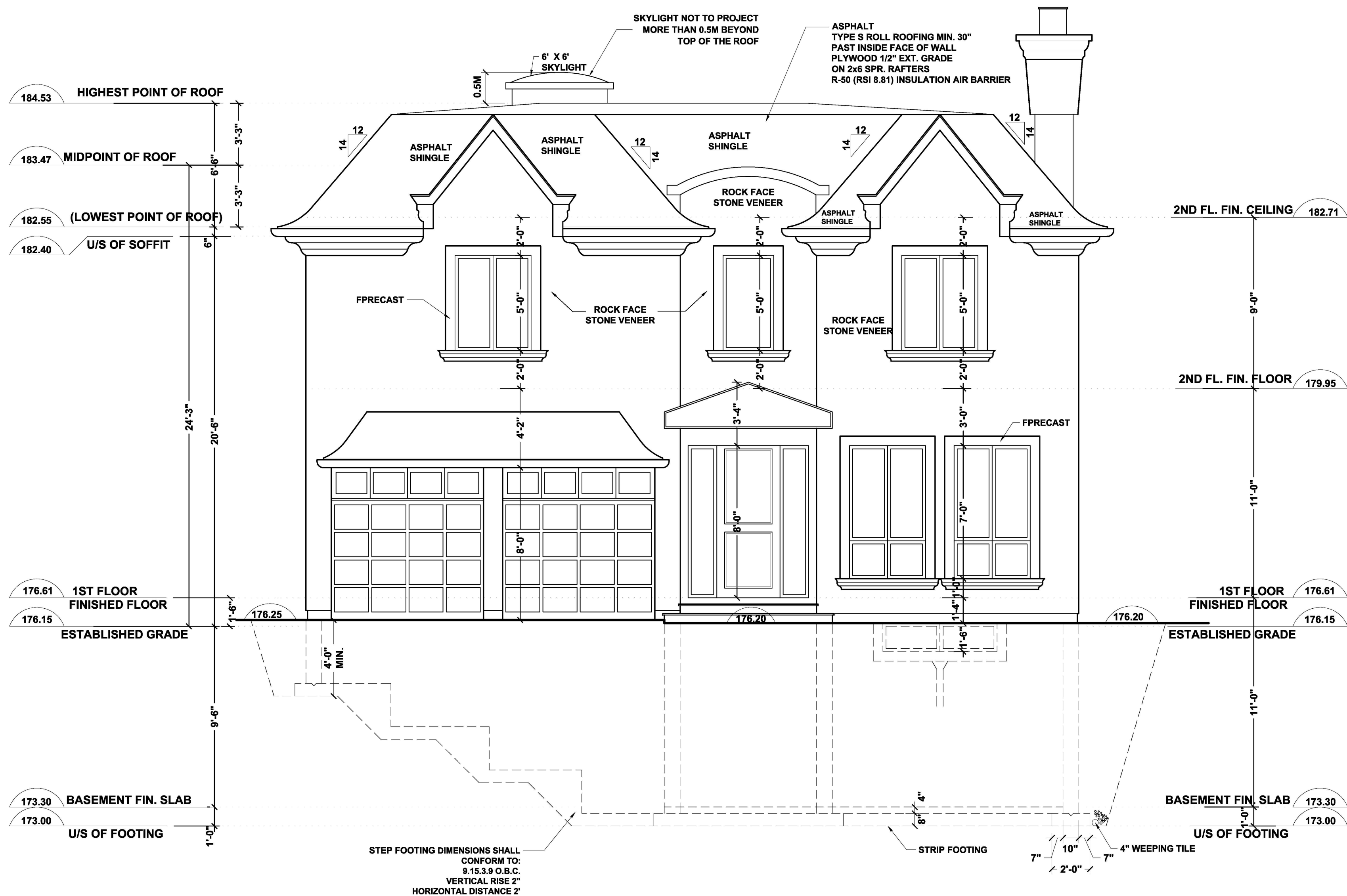
Project

1 TUSCAY COURT
MARKHAM, ON

Plot Date NOV. 2019	Drawn R.S.	Drafted S.H.M.
BCIN 25558	FIRM BCIN 38696	
Scale 1/4" = 1'-0		Application No. 00 000000

Title

A303 - ROOF PLAN



FRONT ELEVATION
SCALE : 1/4"=1'-0'

Design By



31 SCARDALE ROAD, SUITE 5, TORONTO, ON M3B-2R2
416-831-3706 416-839-3706
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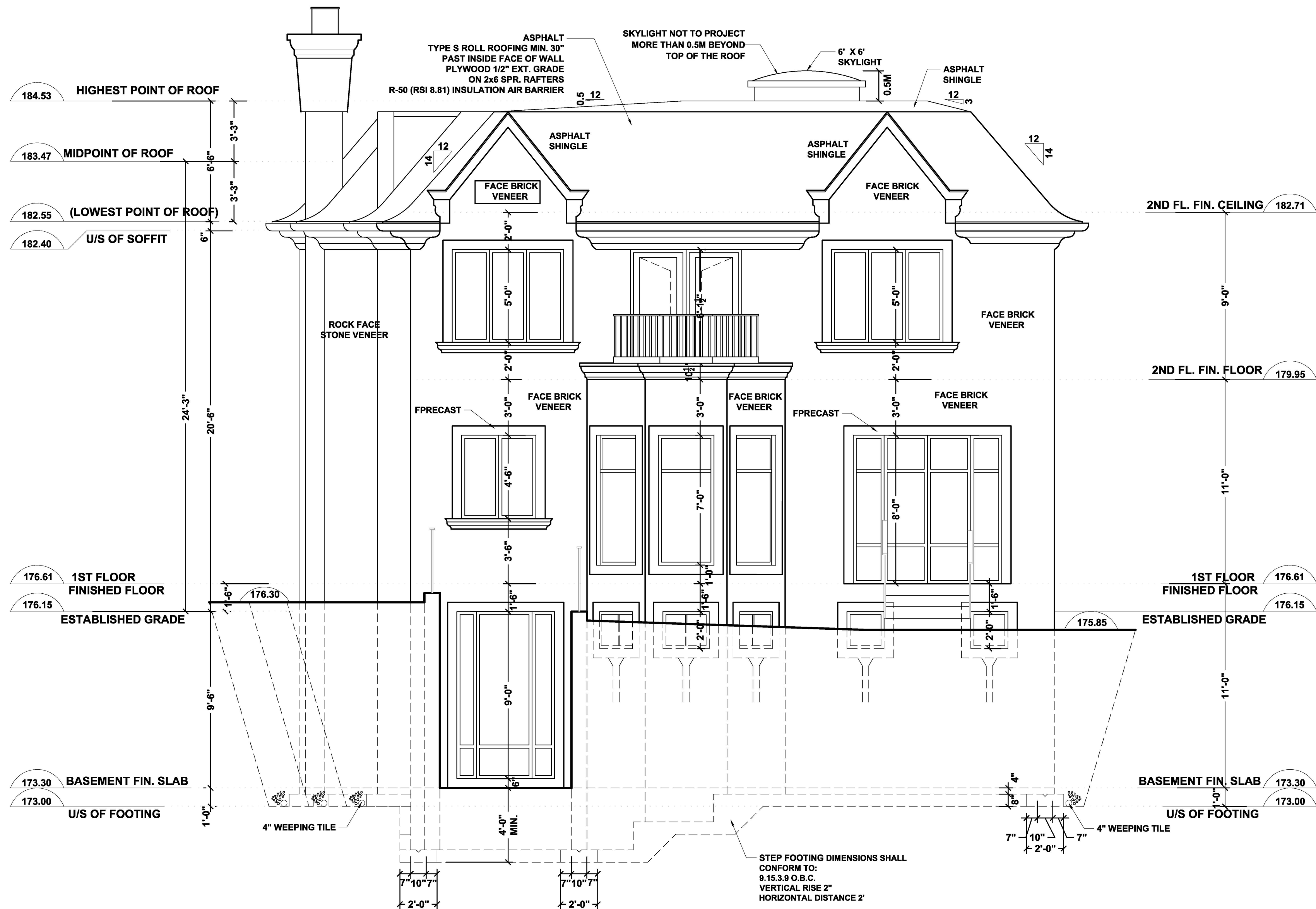
Project

1 TUSCAY COURT
MARKHAM, ON

Plot Date NOV. 2019	Drawn R.S.	Drafted S.H.M.
BCIN 25558	FIRM BCIN 38696	
Scale 1/4" = 1'-0	Application No. 00 000000	

Title

**A200 - FRONT
ELEVATION**



REAR ELEVATION
SCALE : 1/4"=1'-0"

Design By



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416-831-3706 416-839-3706
info@RonCustomHomes.com
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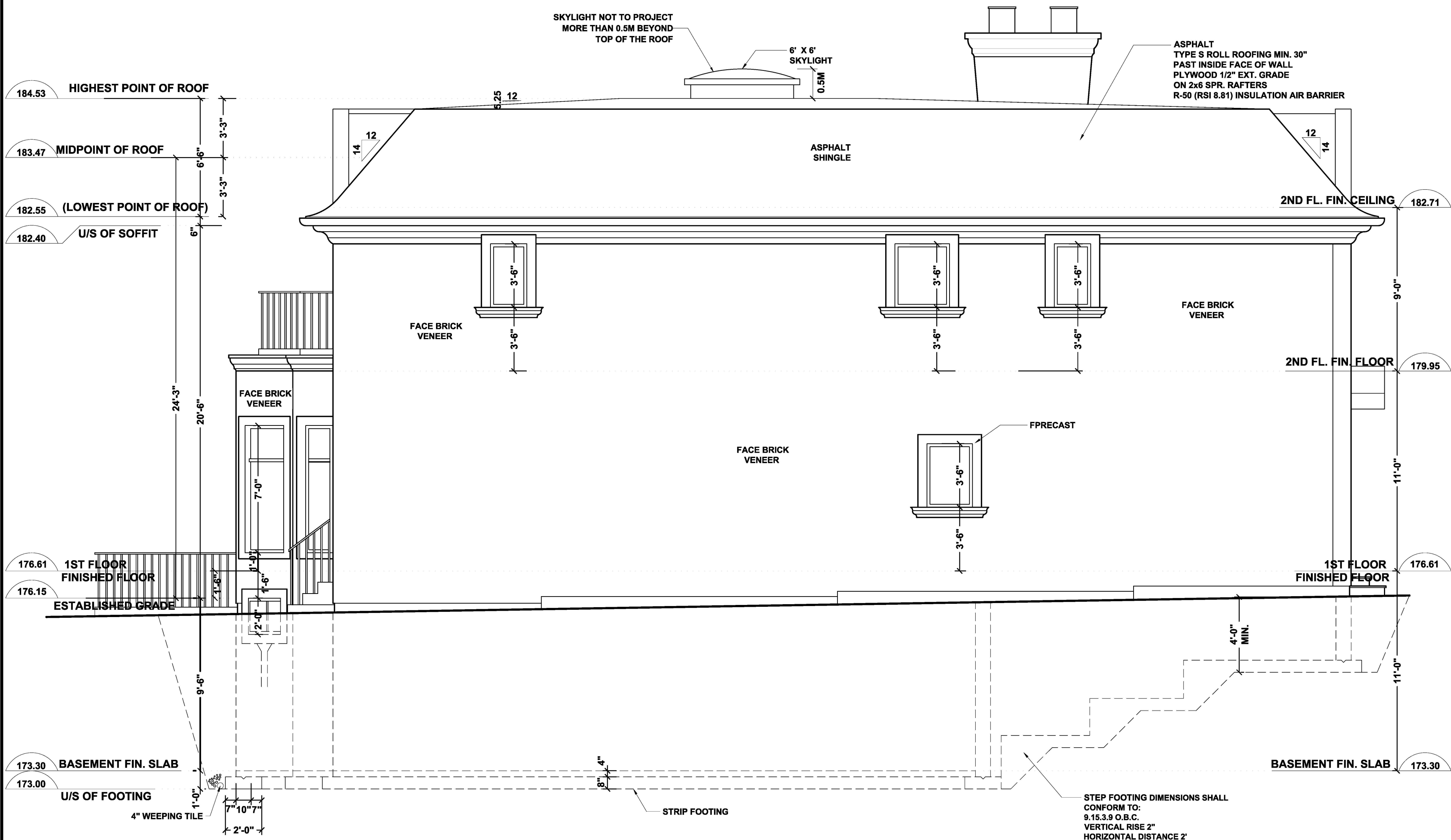
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RON CUSTOM HOMES 2000 INC. (BCIN# 38696)

Project

1 TUSCAY COURT
MARKHAM, ON

Plot Date NOV. 2019	Drawn R.S.	Drafted S.H.M.
BCIN 25558	FIRM BCIN 38696	
Scale 1/4" = 1'-0		Application No. 00 000000

Title
A202 - REAR ELEVATION




LEFT ELEVATION
SCALE : 1/4"=1'-0'

Design By

**Ron Custom Homes**

31 SCARDALE ROAD, SUITE 5, TORONTO, ON M3B-2R2
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RON CUSTOM HOMES 2000 INC. (BCIN# 38696)

Project

1 TUSCAY COURT
MARKHAM, ON

Plot Date NOV. 2019	Drawn R.S.	Drafted S.H.M.
BCIN 25558	FIRM BCIN 38696	
Scale 1/4" = 1'-0		Application No. 00 000000
Title A203 - LEFT ELEVATION		

