

Memorandum to the City of Markham Committee of Adjustment

February 11, 2020

File: A/152/19
Address: 178 Krieghoff Ave – Markham, ON
Applicant: Zhi Bo Li & Yuan Wu
Agent: In Roads Consultants
Hearing Date: Wednesday February 19, 2020

The Central Team provides the following comments. The Applicant initially requested the following variances:

- a) **Section 3.7:**
A 1.22 m (4 ft) covered porch with 0.91 m (3 ft) uncovered steps to project into the required front yard;
- b) **Section 6.1:**
A maximum height of 8.53 m (28 ft), whereas the by-law permits a maximum of 7.62 m (25 ft);
- c) **Section 6.1:**
A maximum lot coverage of 37.21%, whereas the by-law permits a maximum of 33.33%; and
- d) **Section 4.1:**
One accessory dwelling unit in the basement, whereas the by-law only permits one single family detached dwelling.

Based on a review of the plans, staff consulted with the Applicant on the revised plans as shown in Appendix “B”. The Applicant confirmed a reduction in the height and that an accessory dwelling unit is no longer being proposed. The Applicant requests relief from the following requirements of the “Fourth Density Single Family Residential – R4 Zone” under By-law 11-72, R4 as amended, as it relates to a proposed two-storey detached dwelling (the proposed development), to permit:

- a) **Section 3.7:**
A covered porch to project a maximum of 0.61 m (2 ft) into the required front yard;
- b) **Section 6.1:**
A maximum height of 8.13 m (26 ft 8 in), whereas the By-law permits a maximum of 7.62 m (25 ft); and
- c) **Section 6.1:**
A maximum lot coverage of 37.21%, whereas the By-law permits a maximum of 33.33%.

BACKGROUND

Property Description

The 696.77 m² (7,500 ft²) subject property is located on the north side of Krieghoff Avenue, east of Village Parkway, south of Pomander Road, and west of Main Street Unionville. The general grade of the lands slopes downwards and to the west. Mature vegetation exists across the property including one large mature tree in the front yard.

The subject property is within an established residential neighbourhood 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.

Proposal

The Applicant proposes to demolish the existing one-storey single detached dwelling, and construct a two-storey single detached dwelling.

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 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 criterion 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 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 Zone” under By-law 11-72, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the maximum height, yard encroachment, and lot coverage.

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 within 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 recommend that no action be taken on an infill by-law at this time. 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,

“to build a home comparable to other homes in the area”.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant completed a ZPR on December 9, 2019, to confirm the initial variances required for the proposed development. The Applicant submitted revised drawings on February 2, 2020, with a reduced height. The Applicant has not conducted a ZPR for the revised drawings. Consequently, 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Permitted Front Yard Encroachment

The Applicant proposes that a covered porch projects 0.61 m (2 ft) into the required front yard. Staff have no objection to the variance.

Increase in Maximum Building Height

The Applicant initially requested a variance to permit a maximum building height of 8.53m (28 ft). Following discussions with staff, the Applicant submitted revised drawings on February 11, 2020 (Appendix "B"), which propose a reduced maximum building height of 8.13 m (26 ft 8 in), whereas the By-law permits a maximum building height of 7.62 m (25 ft).

The proposed height is consistent with other infill developments in the surrounding area. Staff are of the opinion that the proposed height of 8.13 m (26 ft 8 in) will not adversely impact the character of the neighbourhood, and that it maintains the general intent of the By-law and Official Plan as it pertains to low rise neighbourhoods.

Increase in Maximum Lot Coverage

The Applicant is requesting relief for a maximum lot coverage of 37.21%, whereas the By-law permits a maximum lot coverage of 33.33%. The proposed lot coverage includes the front covered porch which adds approximately 4.08 m² (44 ft²) to the overall building area. The proposed development maintains all setbacks, and staff are of the opinion that the proposed increase in lot coverage is appropriate for the area.

Tree Preservation

Staff advised the Applicant of the comments regarding the preservation of trees. One mature Birch tree is located on the shared property line of the neighbouring dwelling for which permission from the neighbour at 176 Krieghoff Avenue will be required for the removal of this tree. The uncovered walkout at the rear of the proposed dwelling appears to be in conflict with the required tree protection zone. Staff have suggested swapping the proposed locations of the uncovered walkout and wood deck in efforts to maintain the tree protection zone and reduce the potential impact to the tree located in the rear yard of 180 Krieghoff Avenue.

Staff recommend that public input should be considered. Should the variance application be approved, staff recommend that Committee adopt the tree conditions provided in Appendix "A".

PUBLIC INPUT SUMMARY

Staff received one written submission on February 9, 2020, expressing concern to the accessory dwelling unit, which the Applicant initially proposed. Upon further consultation, the Applicant no longer proposes an accessory dwelling unit. As of February 11, 2020, no other written comments were received. 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.

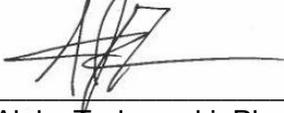
CONCLUSION

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. 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.

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/152/19

1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix “B” to this Staff Report and received by the City of Markham on February 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. 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.

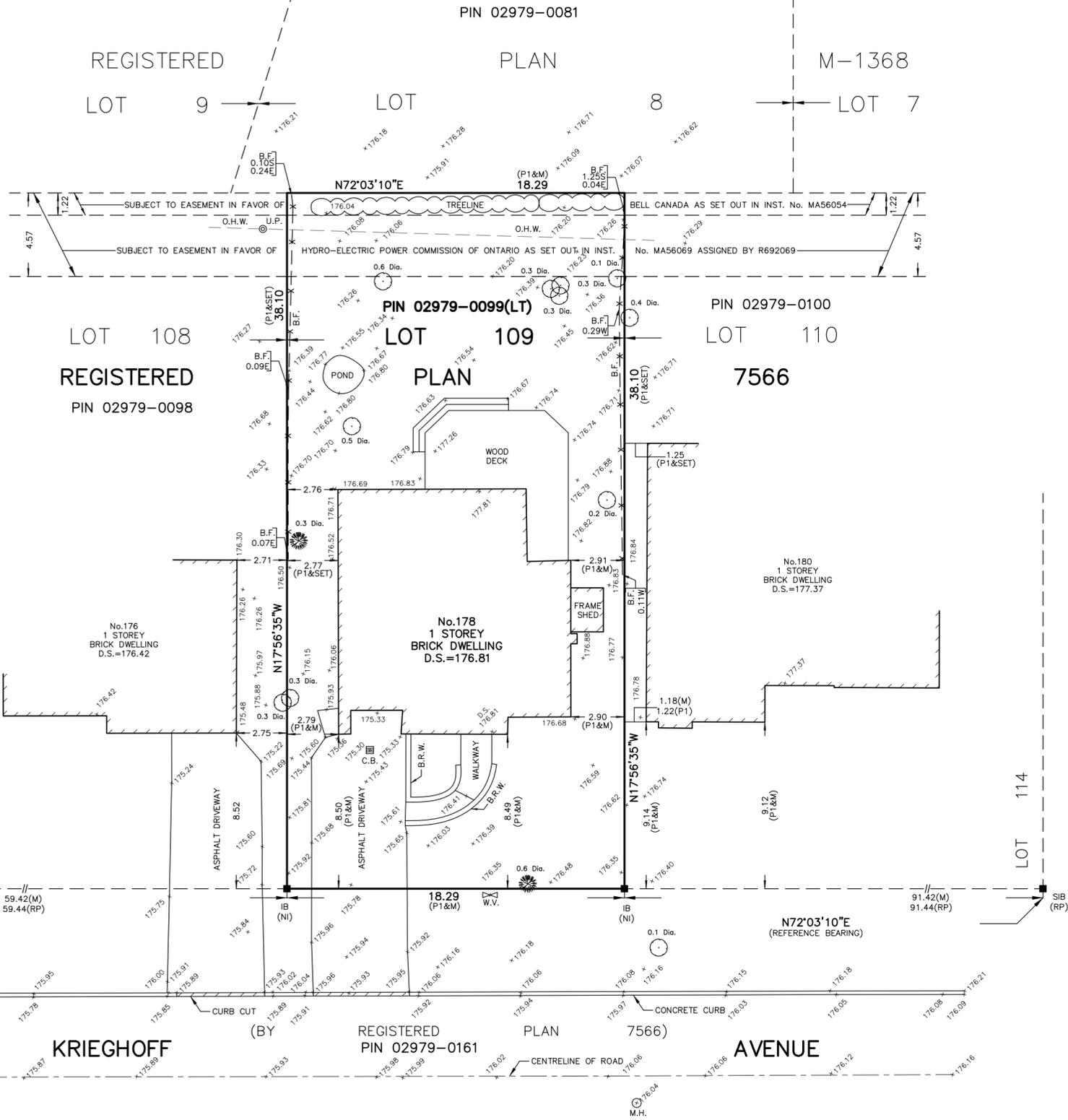
CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/152/19

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
LOT 109
REGISTERED PLAN 7566
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1:200
10m 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
 - IB DENOTES IRON BAR
 - P1 DENOTES PLAN OF SURVEY BY P. SALNA, O.L.S.
 - DATE FEBRUARY 16, 1966
 - RP DENOTES REGISTERED PLAN 7566
 - WT DENOTES WITNESS
 - PIN DENOTES PROPERTY IDENTIFIER NUMBER
 - M DENOTES MEASURED
 - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
 - B.F. DENOTES BOARD FENCE
 - NI DENOTES NOT IDENTIFIABLE
 - D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
 - O.H.W. DENOTES OVERHEAD WIRE
 - B.R.W. DENOTES BRICK RETAINING WALL
 - U.P. DENOTES UTILITY POLE
 - M.H. DENOTES MANHOLE
 - 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 NORTHERLY OF KRIEGHOFF AVENUE AS SHOWN ON REGISTERED PLAN 7566
HAVING A BEARING OF N72° 03' 10\"/>

BENCHMARK NOTE
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY
OF MARKHAM BENCHMARK No.M-21-033 HAVING AN ELEVATION OF 173.536 M.
BRASS TABLET IS LOCATED 0.20 M BELOW TOP OF HEADWALL, 1.10 M NORTH
OF SOUTH EDGE OF HEADWALL, 5.24 M EAST OF THE CHAIN LINK FENCE, 10.5M
SOUTH OF THE EDGE OF THE SIDEWALK, 110 M WEST OF MAIN STREET
UNIONVILLE AND SOUTH OF FRED VARLEY DRIVE.

THIS REPORT WAS PREPARED FOR NING, TEDDY THE UNDERSIGNED
ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

PART 2 (SURVEY REPORT)

- REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: SUBJECT TO
EASEMENT IN FAVOR OF HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO
AS SET OUT IN INST. No. MA56069 ASSIGNED BY R692069;
SUBJECT TO EASEMENT IN FAVOR OF BELL CANADA AS SET OUT IN INST.
No. MA56054
- ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND THE
NORTHERLY, EASTERLY AND WESTERLY LIMITS OF THE SUBJECT PROPERTY.
NOTE THE LOCATION OF OVERHEAD WIRE.
- 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 AUGUST, 2019

AUGUST 15, 2019
DATE

Z. ZENG
ONTARIO LAND SURVEYOR

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SURVEY BY: S.Z. CAD No: 19-256SRPR JOB No: 2019-256

