

Memorandum to the City of Markham Committee of Adjustment

March 21, 2024

File: A/002/24
Address: 66 Liebeck Crescent, Markham
Owner: Queenie Tse
Agent: Prohome Consulting Inc (Vincent Emami)
Hearing Date: Wednesday, April 3, 2024

The following comments are provided on behalf of the Central District Team. The Applicant is requesting relief from the following requirements of the “Fourth Density Single Family Residential (R4) Zone” in By-law 11-72, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

- a) **Section 6.1:**
a minimum north side yard setback of 5 feet, whereas the by-law requires a minimum side yard setback of 6 feet for a two-storey building;
- b) **Section 6.1:**
a maximum lot coverage of 35.91 percent, whereas the by-law permits a maximum lot coverage of 33 1/3 percent; and
- c) **Section 6.1:**
a maximum height of 27 feet 3 inches, whereas the by-law permits a maximum height of 25 feet;
- d) **Section 6.1:**
a minimum south side yard setback of 5 feet, whereas the by-law requires a minimum side yard setback of 6 feet for a two-storey building;

BACKGROUND

Property Description

The 580.64 m² (6,250 ft²) Subject Lands are located on the east side of Liebeck Crescent, and generally south of Carlton Road and east of Warden Avenue (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is an existing 209.03 m² (2,250 ft²) two-storey detached dwelling on the Subject Lands which, according to assessment records, was constructed in 1974. Mature vegetation exists on the property including one large mature tree in the rear yard.

Proposal

The Applicant is proposing to construct a new two-storey detached dwelling with a gross floor area of 397.07 m² (4,274 ft²), as shown in Appendix “B”.

Application History

The first submission application was previously deferred by the Committee of Adjustment (the “Committee”) at the March 6, 2024 hearing, to provide the Applicant an opportunity to address Staff’s concerns (Refer to Minutes – Appendix “C”). In resubmitting the application, the Applicant has made changes to the proposal and the requested variance on the basis of Staff’s comments by reducing the lot coverage from 36.74% to 35.91% and by adding the previously missed variance request for the south side yard setback. The Applicant also addressed Engineering comments related to providing a well-defined side yard swale by increasing both the north and south side yard setbacks from 4 feet to 5 feet.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Subject Lands are designated “Residential Low Rise”, which permits low rise housing forms including single detached dwellings. Section 8.2.3.5 of the 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 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. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 11-72

The Subject Lands are zoned “Fourth Density Single Family Residential (R4)” under By-law 11-72, as amended, which permits a single detached dwelling. The proposed development does not comply with the By-law requirement with respect to the north and south side yard setbacks, maximum lot coverage, and maximum building height.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant completed a Zoning Preliminary Review (ZPR) on January 10, 2024 to confirm the initial variances required for the proposed development. The Applicant submitted revised drawings on March 4, 2024. The Applicant has not conducted a subsequent Zoning Preliminary Review for the revised drawings. Consequently, it is the Owner’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:

- 1) The variance must be minor in nature;
- 2) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- 3) The general intent and purpose of the Zoning By-law must be maintained;
- 4) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Building Height

The Applicant is requesting relief to permit a maximum building height of 27 feet 3 inches (8.30 metres), whereas the By-law permits a maximum building height of 25 feet (7.62 metres). This represents an increase of 2 feet 3 inches (0.68 metres).

Staff are of the opinion that the proposed increase in maximum building height is minor in nature and will have limited impact on the adjacent dwellings. As such, Staff have no concerns with the requested variance.

Reduced North and South Side Yard Setback

The Applicant is requesting relief to permit a north and south side yard setback of 5 feet (1.52 metres) whereas the By-law requires a minimum side yard setback of 6 feet (1.83 metres). This is a reduction of 1 foot (0.3 metres). The intent of the side yard setback requirement is to provide for adequate spacing between homes for drainage and appropriate building massing.

Staff are of the opinion that the Applicant has adequately addressed Engineering and Planning comments by increasing the north and south side yard setback from 4 feet to 5 feet thereby also reducing the lot coverage from 36.74 percent to 35.91 percent. Therefore, Staff are satisfied that the proposed side yard setbacks will not have an adverse impact on the abutting properties and have no objection to the variance.

Increase in Maximum Lot Coverage

The Applicant is requesting relief for a maximum lot coverage of 35.91 percent (208.47 m² or 2,244 ft²), whereas the By-law permits a maximum floor area ratio of 33 and 1/3 percent (193.52 m² or 2,083 ft²). The proposed lot coverage includes the front covered porch and a rear breakfast area which adds approximately 2.78 m² (30 ft²) and 5.2 m² (56 ft²), respectively, to the overall building area. The total lot coverage excluding the front covered porch and rear breakfast area is 34.53 percent (200.48 m² or 2,158 ft²). Given that the front covered porch is unenclosed, and the breakfast area consists of a minor projection located to the rear of the dwelling, Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling and that the resultant dwelling is generally consistent with what the By-law permits.

Tree Protection and Compensation

The Subject Lands contain mature vegetation and large mature trees. During the review

of the application, the City's Tree Preservation Technician indicated concern with potential injury to the mature neighbouring trees at 64 Liebeck Crescent and a shared hedge at 68 Liebeck Crescent. Staff recommend that the tree related conditions, as outlined in Appendix "C", be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers, if necessary. Staff note the Applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in) or more on the Subject Lands or on neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

Previously, during the first submission, 10 written submissions, including eight in opposition and two neutral letters were received. The letters in opposition expressed concerns including, but not limited to, the increased size and scale of the proposed dwelling, the significant increase in lot coverage, the proposed height, and flat roof design. The Applicant has since revised their proposal and have reduced the size of the proposed dwelling.

For this current submission, one written submission in opposition to the proposed development was received as of March 26, 2024, expressing concerns regarding the size and scale of the proposed dwelling in terms of building height, side yard setbacks, and lot coverage. 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 variances requested 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 refer to Appendix "D" for conditions to be attached to any approval of this application.

PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



Melissa Leung, RPP, MCIP, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – Minutes

Appendix "D" – A/002/24 Conditions of Approval



Legend

 Subject Lands

1: 1,128



57.3 0 28.65 57.3 Meters

Notes

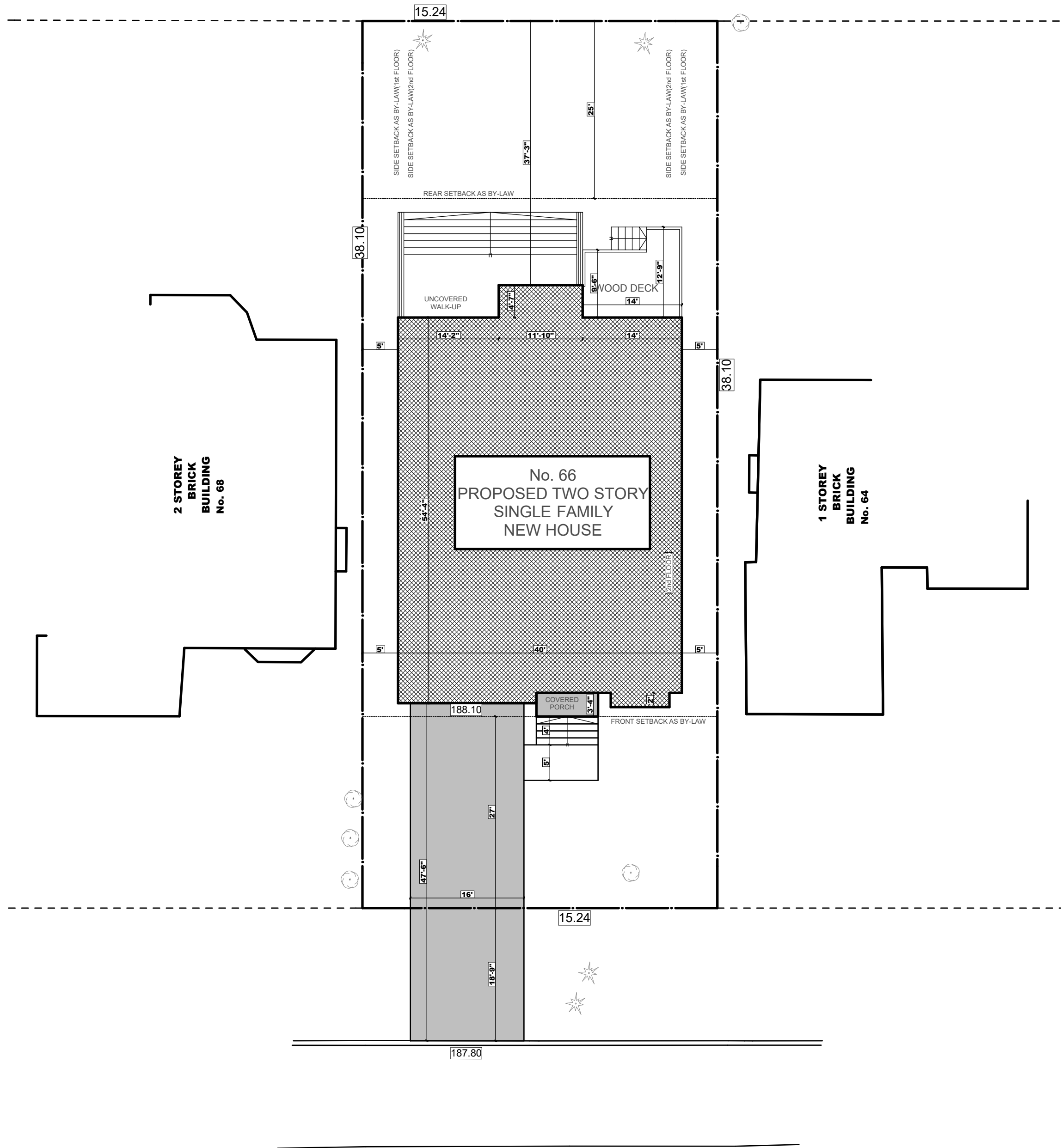
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GFA	GR FLOOR EXCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL GFA NOT INCLUDING CELLAR	%
TOTAL	1812FT ² /168.34 M ²	2212FT ² /205.50 M ²	2247FT ² /208.51 M ²	435 FT ² /40.412M ²	4024FT ² /397.07 M ²	35.91%

Appendix B

File: 24.159013.000.00.MNV

Date: 3/28/2024

MM/DD/YY



LIEBECK CRESCENT

DATE:	ISSUED FOR:
Nov.2023	FOR ZPR

FOR STRUCTURE ONLY



DRAWN BY
V.E

SCALE:
1:150

LAST MODIFIED ON:
MARCH 4, 2024

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SITE PLAN

PROJECT TITLE/ADDRESS:

66 LIEBECK CRESCENT,
MARKHAM, ON

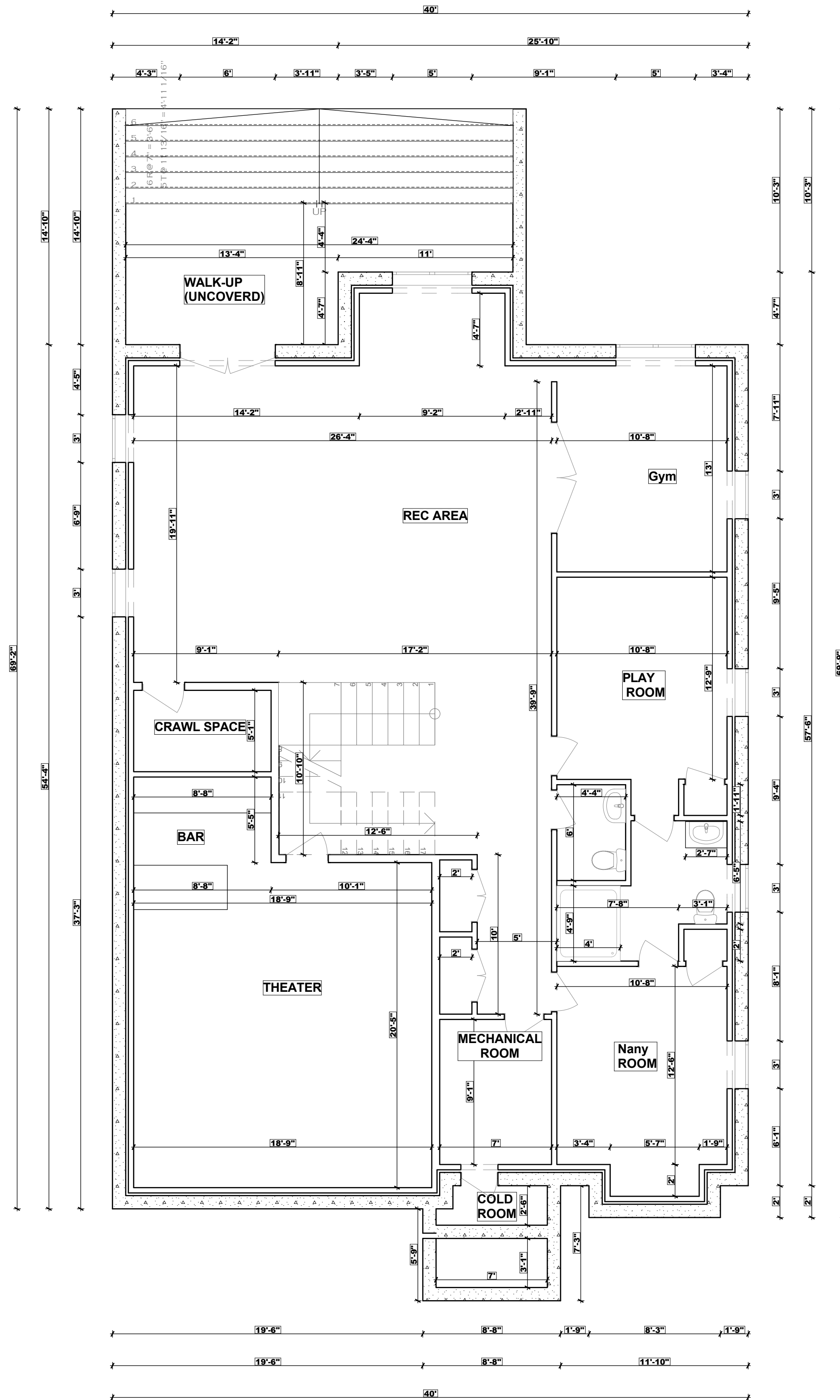
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SCALE:
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LAST MODIFIED ON:
MARCH 4, 2024

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MARKHAM, ON

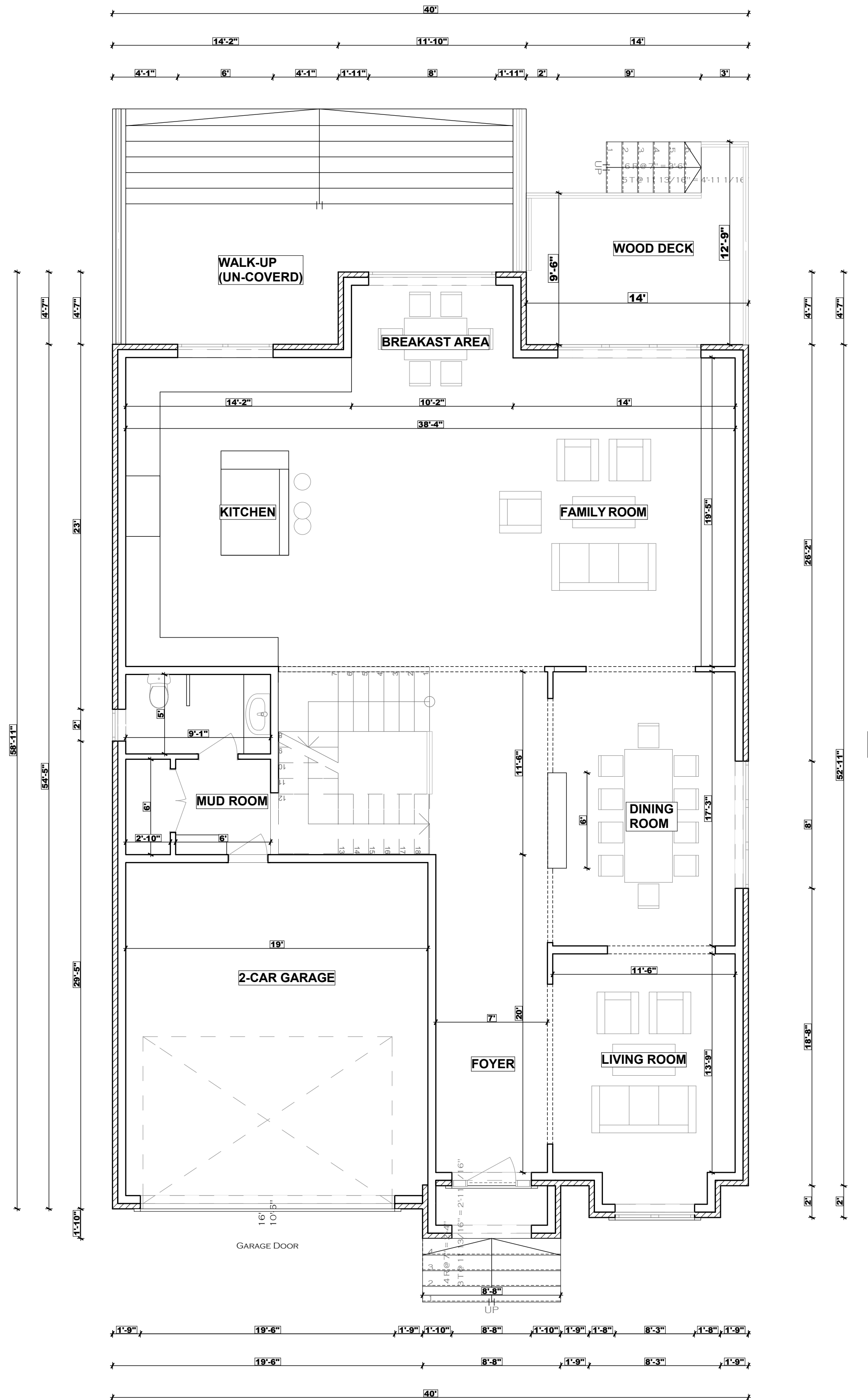
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Appendix B

File: 24.159013.000.00.MNV

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MM/DD/YY



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MARCH 4, 2024

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MARKHAM, ON

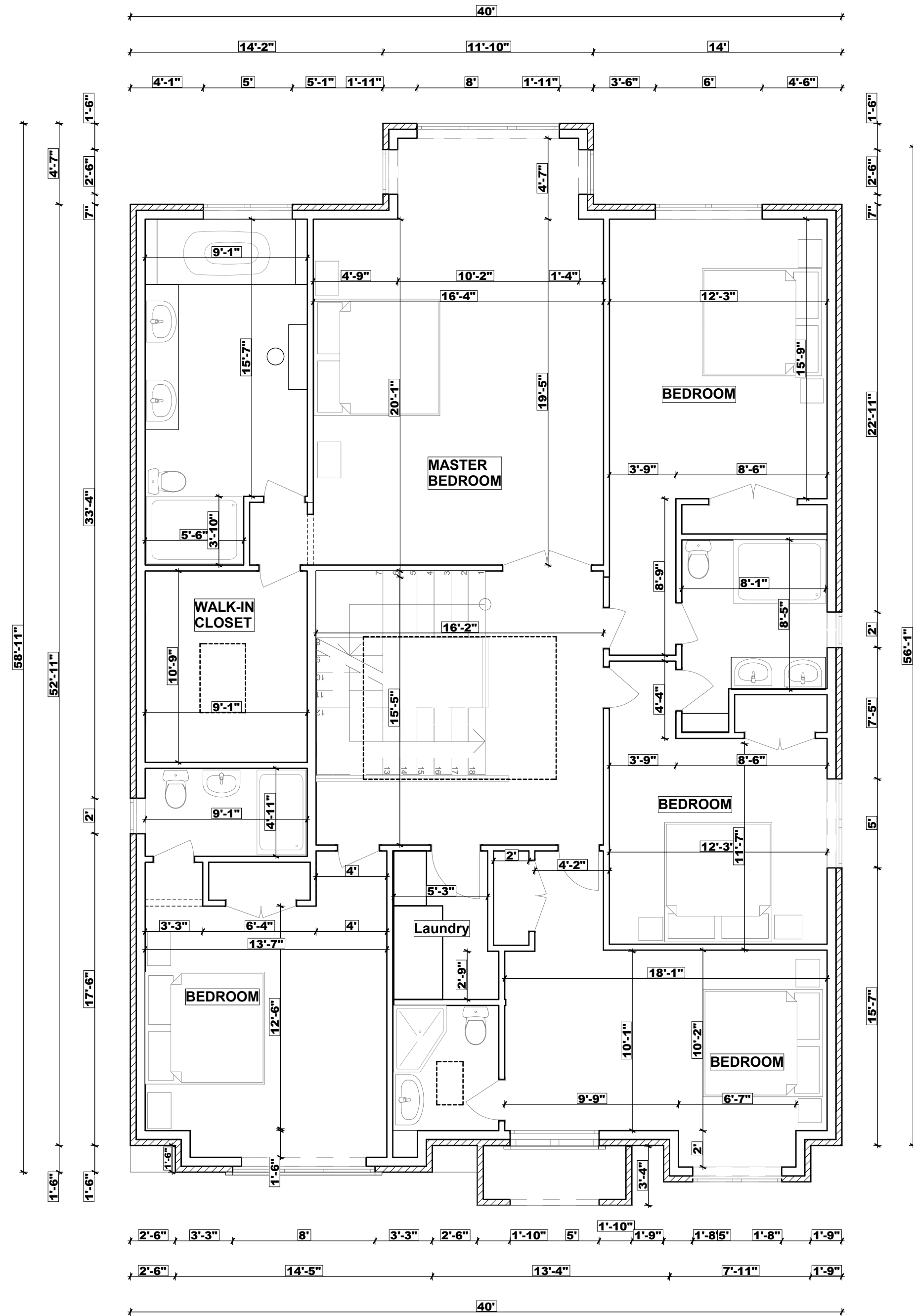
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Appendix B

File: 24.159013.000.00.MNV

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SCALE:
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MARCH 4, 2024

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MARKHAM, ON

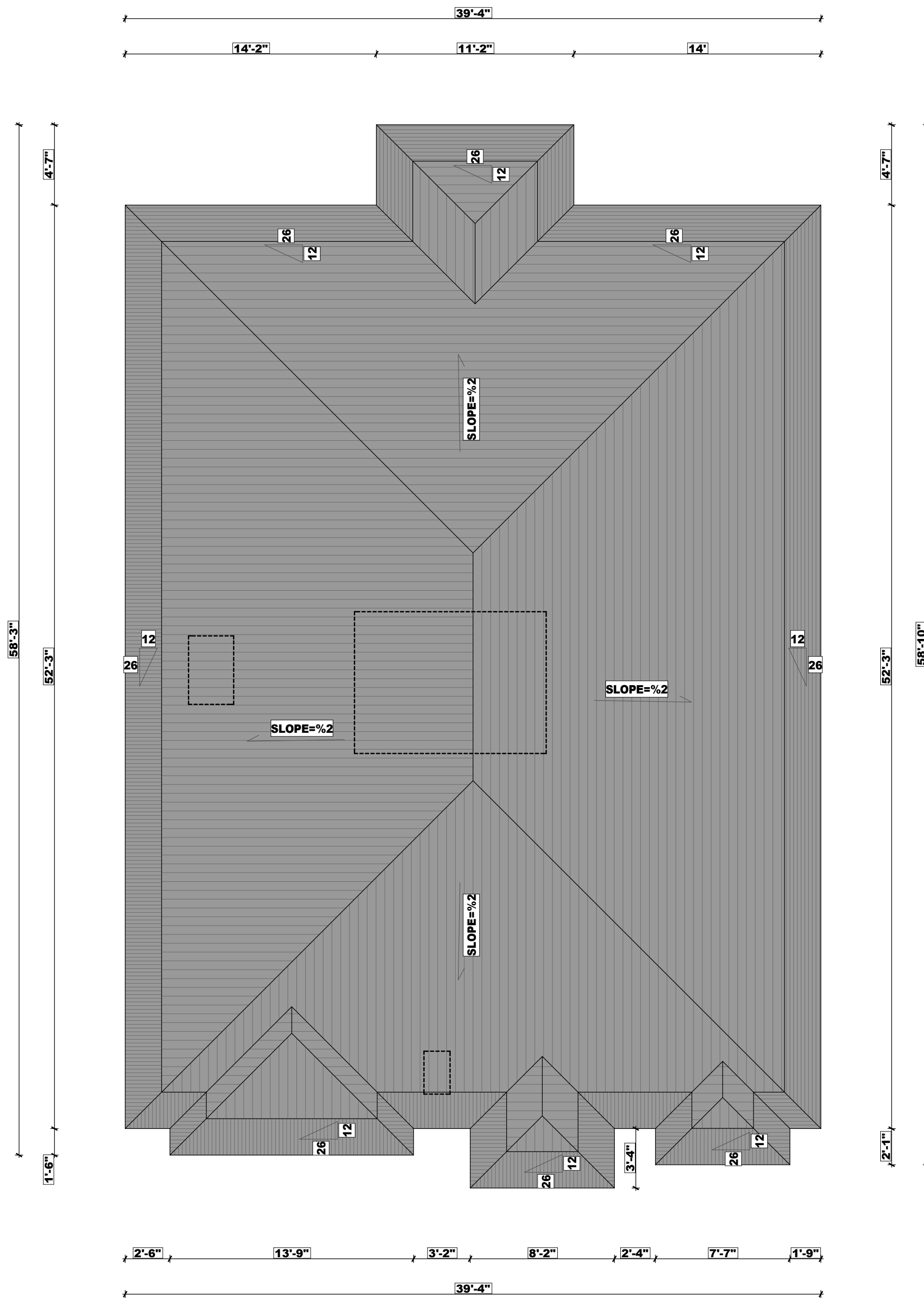
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Appendix B

File: 24.159013.000.00.MNV

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MARCH 4, 2024

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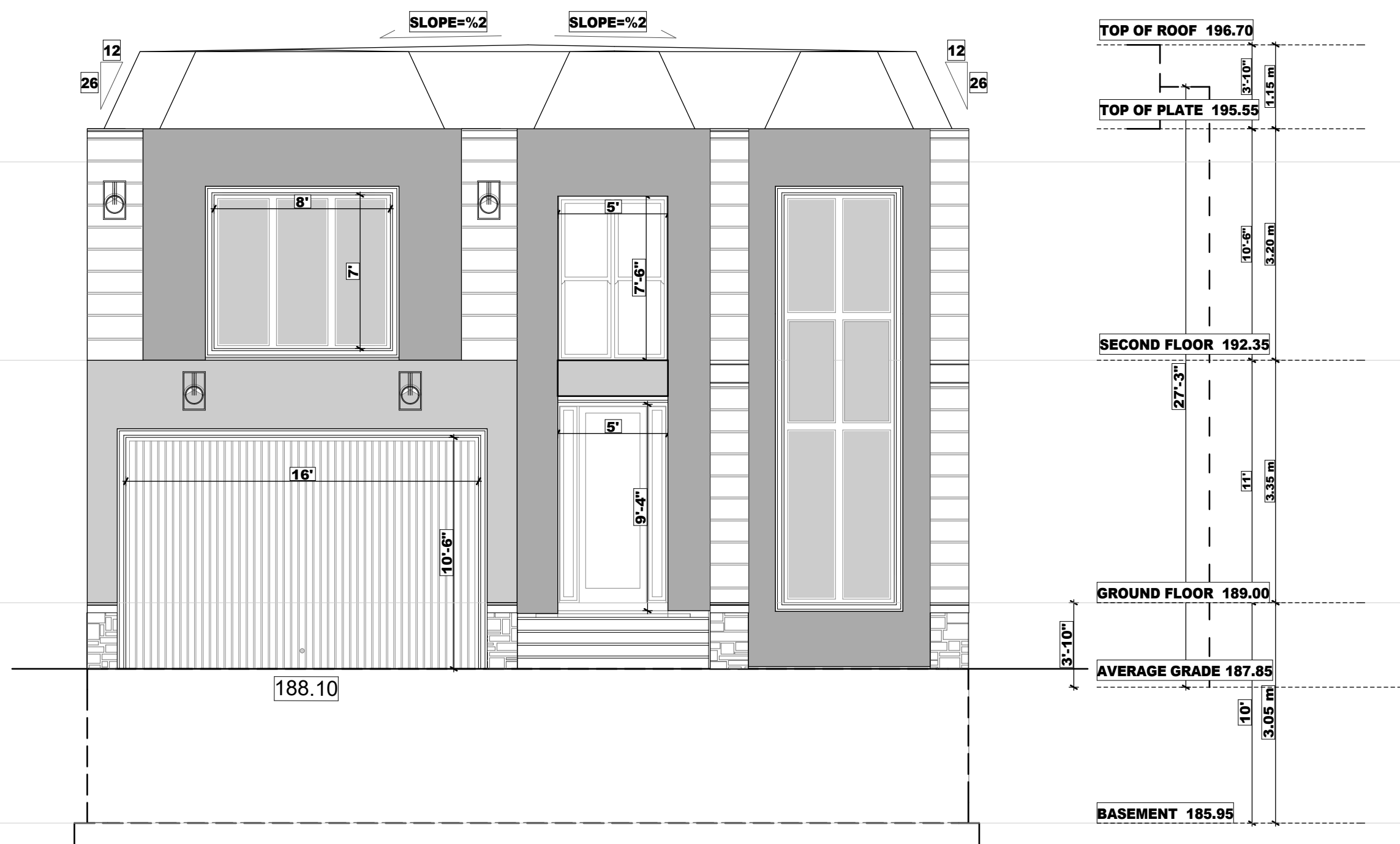
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Appendix B

File: 24.159013.000.00.MNV

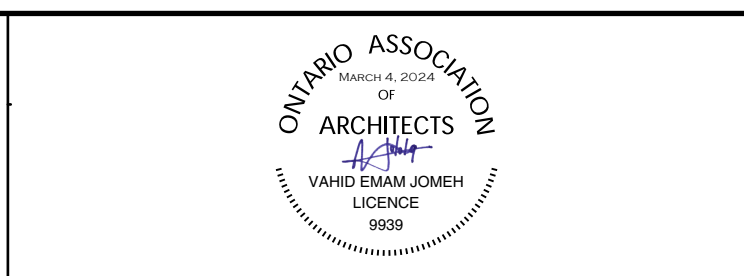
Date: 3/28/2024

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Nov.2023	FOR ZPR

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MARCH 4, 2024

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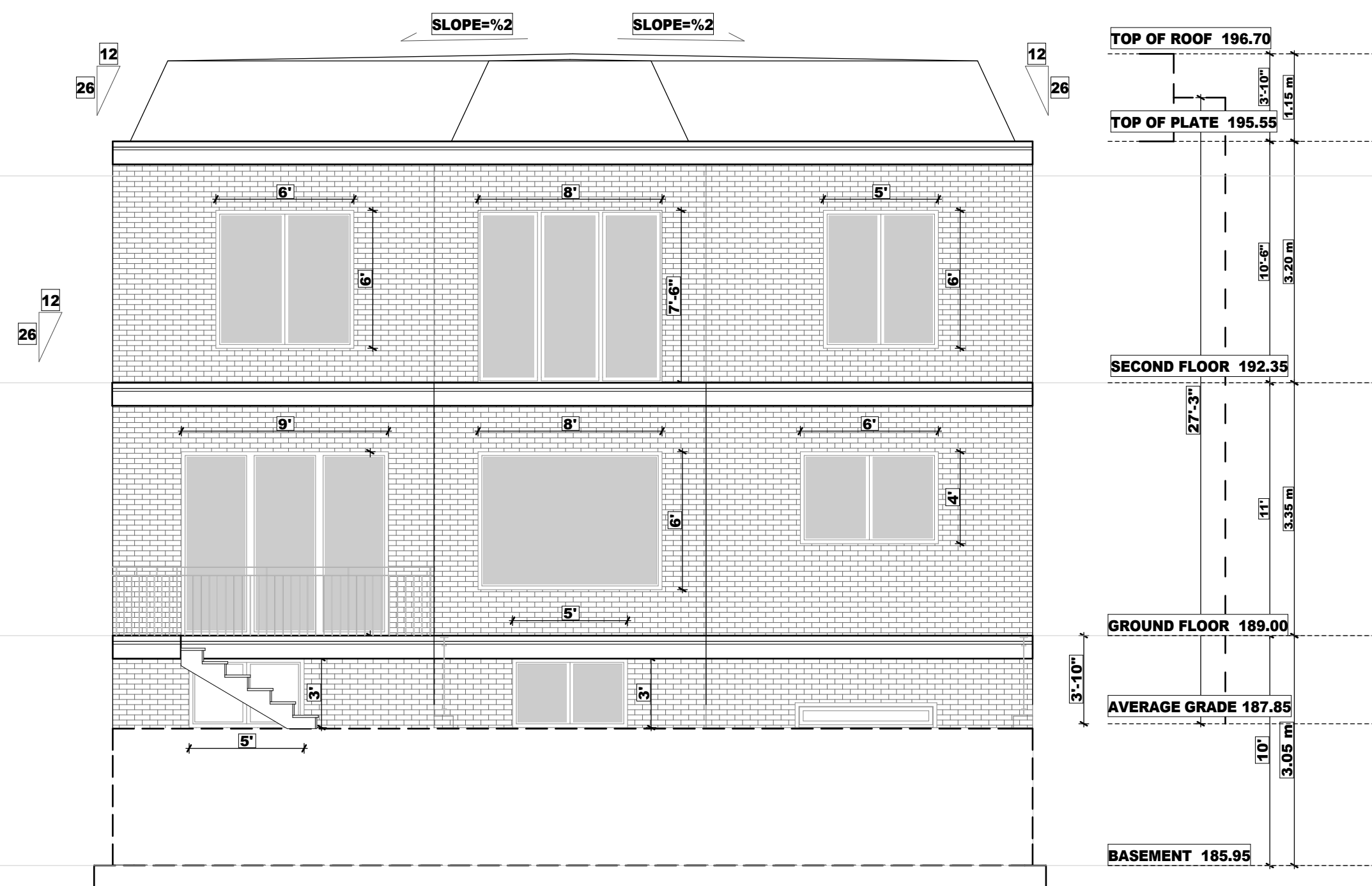
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Appendix B

File: 24.159013.000.00.MNV

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Nov.2023	FOR ZPR

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LAST MODIFIED ON:
MARCH 4, 2024

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MARKHAM, ON

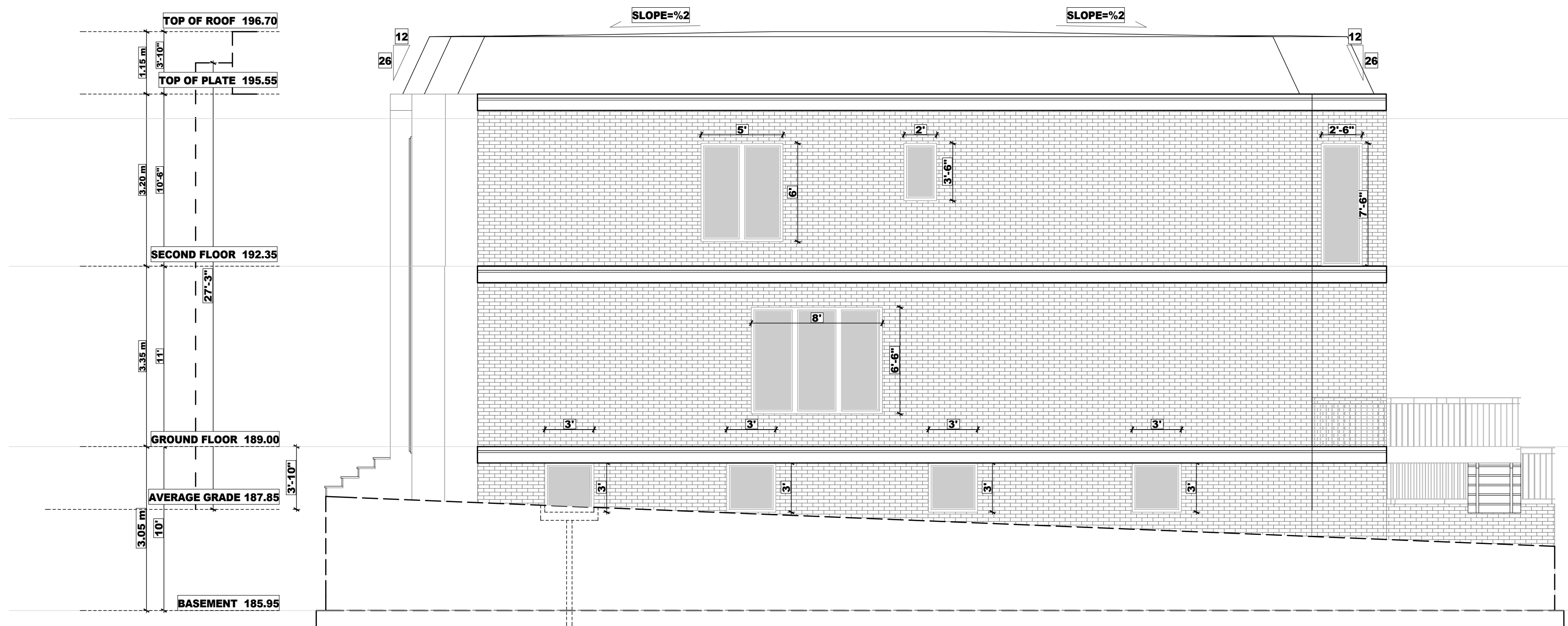
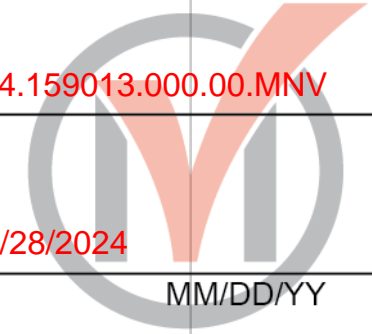
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Appendix B

File: 24.159013.000.00.MNV

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DRAWN BY
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SCALE:
3/16" = 1'-0"
LAST MODIFIED ON:
MARCH 4, 2024

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PROJECT TITLE/ADDRESS:
66 LIEBECK CRESCENT, MARKHAM, ON

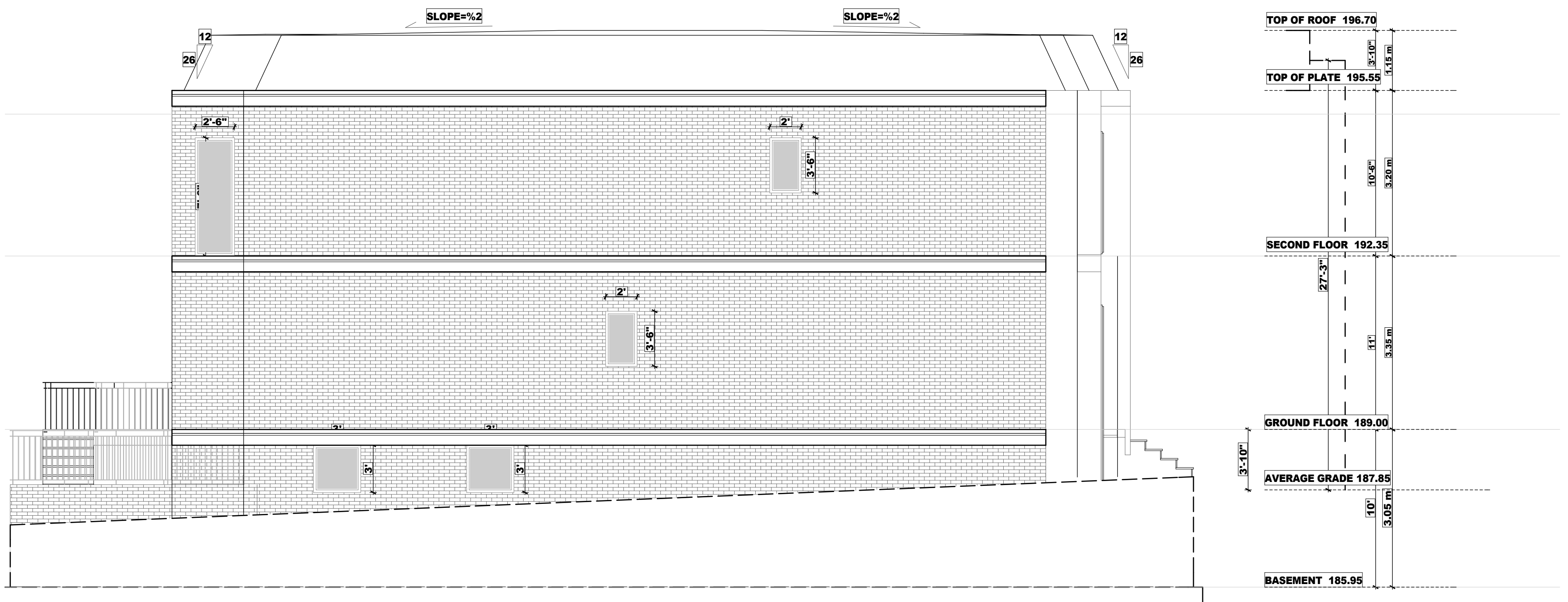
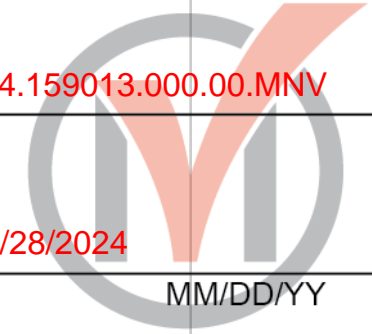
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Appendix B

File: 24.159013.000.00.MNV

Date: 3/28/2024

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FOR STRUCTURE ONLY



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MARCH 4, 2024

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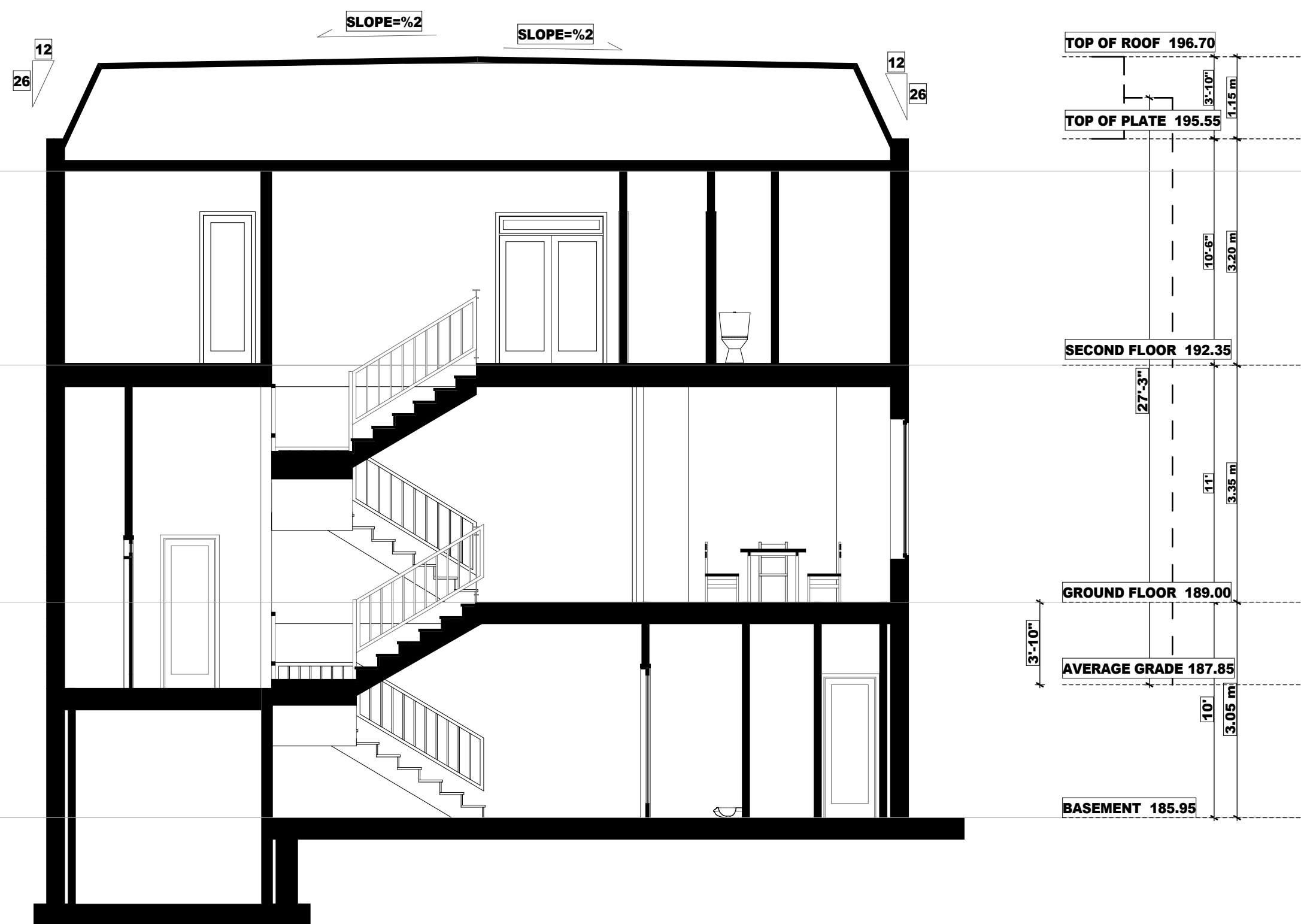
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Appendix B

File: 24.159013.000.00.MNV

Date: 3/28/2024

MM/DD/YY



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Nov.2023	FOR ZPR

FOR STRUCTURE ONLY



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LAST MODIFIED ON:
MARCH 4, 2024

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PROJECT TITLE/ADDRESS:
66 LIEBECK CRESCENT,
MARKHAM, ON

A4.1

Appendix B

File: 24.159013.000.00.MNV

Date: 3/28/2024
MM/DD/YY

TOPOGRAPHIC SURVEY OF
 LOT 350
 REGISTERED PLAN M-1441
 CITY OF MARKHAM
 (REGIONAL MUNICIPALITY OF YORK)

SCALE 1 : 200



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 ONTARIO LAND SURVEYORS

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METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES
 AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED
 TO THE CITY OF MARKHAM BENCHMARK No.323
 HAVING AN ELEVATION OF 192.192 METRES.

LEGEND

Symbol	DENOTES	MANHOLE
MH	"	MANHOLE
CB	"	CATCH BASIN
LS	"	LIGHT STANDARD
FH	"	FIRE HYDRANT
RWW	"	WOODEN RETAINING WALL
RWC	"	CONCRETE RETAINING WALL
DS	"	DOOR SILL
CR	"	CENTERLINE
PIN	"	PROPERTY IDENTIFIER NUMBER
Ø	"	DIAMETER
⊙	"	DECIDUOUS TREE
⊛	"	CONIFEROUS TREE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN
 WERE COMPLETED ON THE 4TH DAY OF AUGUST, 2021.

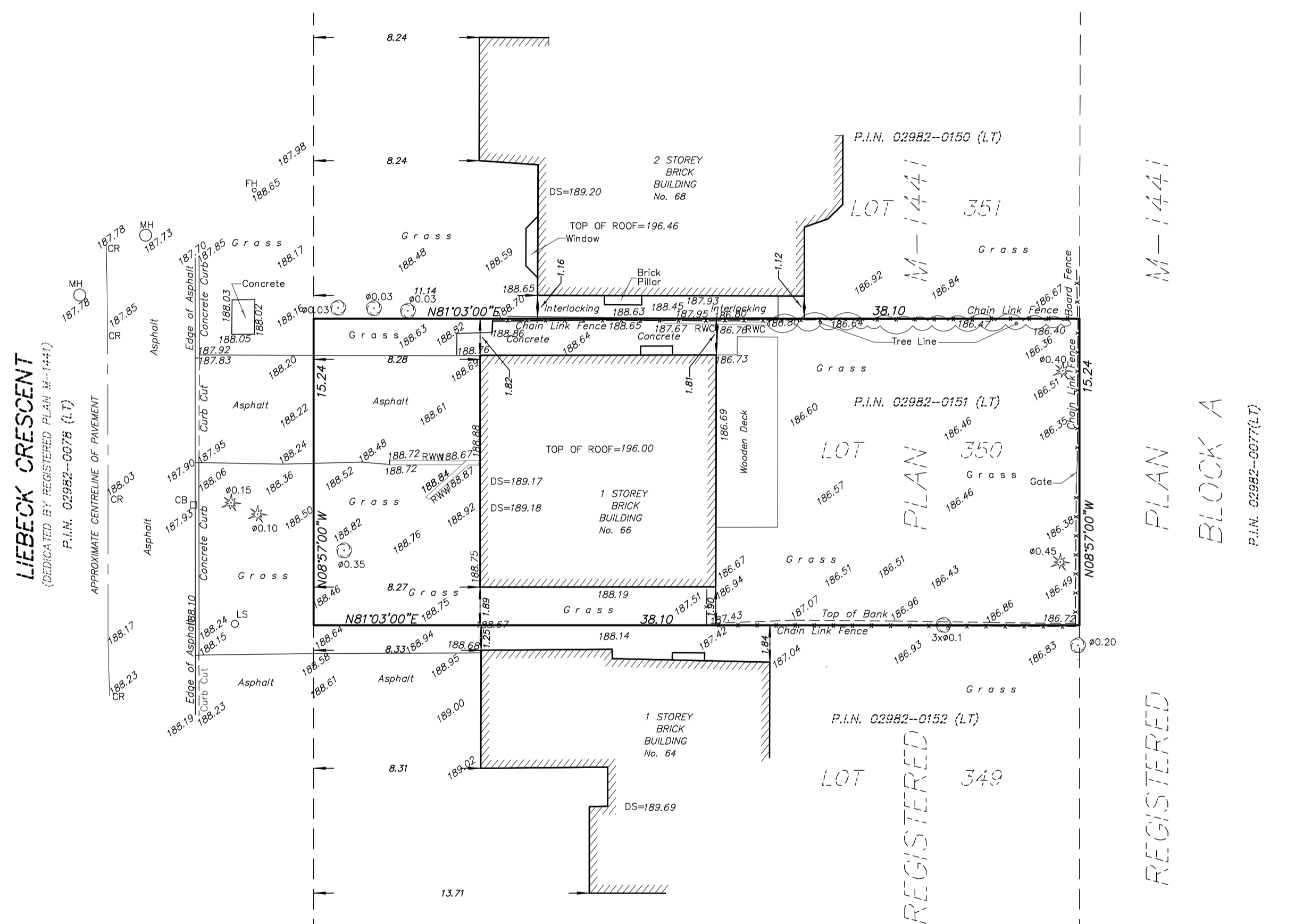
OCTOBER 13, 2021
 DATE

ALEX MARTON
 ONTARIO LAND SURVEYOR

 ALEX MARTON LTD. ONTARIO LAND SURVEYORS 160 APPLEWOOD CRESCENT, UNIT 8, CONCORD, ONTARIO, L4K 4H2 PHONE: 905-879-9889 FAX: 905-879-0770 E-MAIL: alex@amsurveying.ca WEBSITE: www.amsurveying.ca	
PARTY CHIEF: B.N.	FILE NAME: 2021-342.DWG
DRAWN: J.H.	PLOT SCALE: 1: 200
CHECKED: A.M.	PROJECT No. 2021-342

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE
 USED FOR MORTGAGE OR TRANSACTION PURPOSES.



LIEBECK CRESCENT
 (DEDICATED BY REGISTERED PLAN M-1441)
 P.I.N. 02982-0078 (L.T.)
 APPROXIMATE CENTRELINE OF PAVEMENT

REGISTERED PLAN M-1441
 BLOCK A
 REGISTERED PLAN M-1442

Appendix “D” – A/002/23 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/002/23

1. The variances apply only to the proposed development as long as it remains; and
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 that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their 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 the 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 the Director of Operations; and
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 the Director of Operations.

CONDITIONS PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office