

Memorandum to the City of Markham Committee of Adjustment

August 16, 2021

File: A/080/21
Address: 23 Portree Crescent, Thornhill
Applicant: Contempo Studio (Marin Zabzuni)
Hearing Date: Wednesday August 25, 2021

The following comments are provided on behalf of the West Team.

The applicant is requesting relief from the following requirements of the Third Density Single Family Residential (R3A) zone in By-law 2150, as amended, to permit:

- a) **By-law 2150, Section 6.1:**
a lot coverage of 40.58 percent, whereas the By-law permits a maximum lot coverage of 33.5 percent;
- b) **By-law 2150, Section 6.1:**
a building height of 30'1", whereas the By-law permits a height of 25';
- c) **By-law 2150, Section 6.1:**
a side yard setback of 5' on the east side, whereas the By-law permits a minimum side yard setback of 6';
- d) **By-law 2150, Section 6.1:**
a side yard setback of 5'8" on the west side, whereas the By-law permits a minimum side yard setback of 6';
- e) **By-law 2150, Section 3.7:**
an unenclosed porch encroachment of 24", whereas the By-law permits a maximum porch encroachment of 18";
- f) **By-law 2150, Section 3.7:**
a window well encroachment of 32", whereas the By-law permits a maximum of 18";

as it relates to a proposed two storey detached dwelling.

BACKGROUND

Property Description

The 613.10 m² (6,600 ft²) subject property is located on the south side of Portree Crescent, north of Royal Orchard Boulevard and west of Kirk Drive. There is an existing two storey detached dwelling on the property, which according to assessment records was constructed in 1972. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

Proposal

The applicant is proposing to demolish the existing two storey single detached dwelling and construct a new 418.65 m² (4,506.31 ft²) two storey detached dwellings on the subject property.

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 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 2150

The subject property is zoned Third Density Single Family Residential (R3A) under By-law 2150, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law requirements with respect to maximum building height, maximum lot coverage, minimum side yard setbacks, maximum unenclosed porch encroachment, and maximum window well encroachment.

Zoning Preliminary Review (ZPR) Undertaken

The owner completed a Zoning Preliminary Review (ZPR) on April 21, 2021 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 Lot Coverage

The applicant originally requested a maximum lot coverage variance of 43.4 percent, however, through consultation with Planning Staff, the applicant agreed to reduce the requested variance.

The applicant is requesting relief to permit a maximum lot coverage of 40.58 percent, whereas the By-law permits a maximum lot coverage of 33.5 percent. The proposed lot coverage includes the front covered porch and rear covered deck which adds approximately 18.60 m² (200 ft²) to the overall building area. Excluding the front covered porch and deck, the proposed dwelling has a lot coverage of 37.5 percent. 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 the resultant dwelling is generally consistent with what the by-law permits.

Increase in Maximum Building Height

On August 16, the applicant requested to change the proposed variance for maximum building height from 30.08 ft (9.17 m) to 27.7 ft (8.44 m), whereas the By-law permits a maximum building height of 25 ft (7.62 m). This represents an increase of 2.7 ft (0.82 m). Staff are of the opinion the proposed building height is minor in nature and comparable to other developments in the surrounding area.

Reduced Side Yard Setback (East)

The applicant is requesting a minimum east side yard setback of 5 ft (1.52 m), whereas the By-law requires a minimum side yard setback of 6 ft (1.83 m). This is a reduction of 1 ft (0.30m). Planning and Engineering Staff have no concerns with the requested variance.

Reduced Side Yard Setback (West)

The applicant is requesting a minimum west side yard setback of 5.67 ft (1.73 m), whereas the By-law requires a minimum side yard setback of 6 ft (1.83 m). This is a reduction of 0.33 ft (0.10 m). Planning and Engineering Staff have no concerns with the requested variance.

Increase in Maximum Unenclosed Porch Encroachment

The applicant is requesting a maximum unenclosed porch encroachment of 24 in (0.61 m) into the front yard, whereas the By-law permits a maximum unenclosed porch encroachment of 18 in (0.46 m). Staff have no concerns with the requested variance.

Increase in Maximum Window Well Encroachment

On August 16, the applicant requested changes to the proposed variance for maximum window well encroachment from 32 in (0.81 m) to 24 in (0.61 m), whereas the By-law permits a maximum window well encroachment of 18 in (0.46). Staff have no concerns with the requested variance.

EXTERNAL AGENCIES**Metrolinx**

The subject property is located in proximity (300 meters) to an active rail corridor (CNR Bala Subdivision) which carries Richmond Hill GO Train Service, and as such, falls within Metrolinx's 300 metre railway corridor zone of influence. It should be noted that there may be alterations to or expansions of the rail facilities on the rail right-of-way in the future, including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors may expand their operations. This may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 16, 2021. 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.

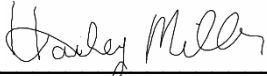
CONCLUSION

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 meet 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.

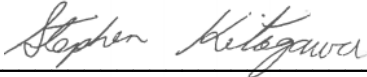
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Hailey Miller, Planner I, West District

REVIEWED BY:



Stephen Kitagawa, Acting Development Manager, West District


File Path: Amanda\File\ 21 124154 \Documents\District Team Comments Memo

APPENDIX "A"

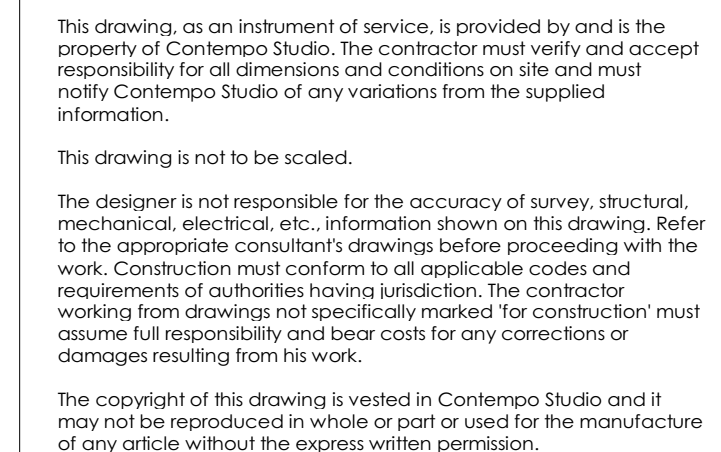
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/080/21

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 plan(s) attached as 'Appendix B' to this Staff Report, 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 front porch and rear covered deck remain unenclosed;
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:

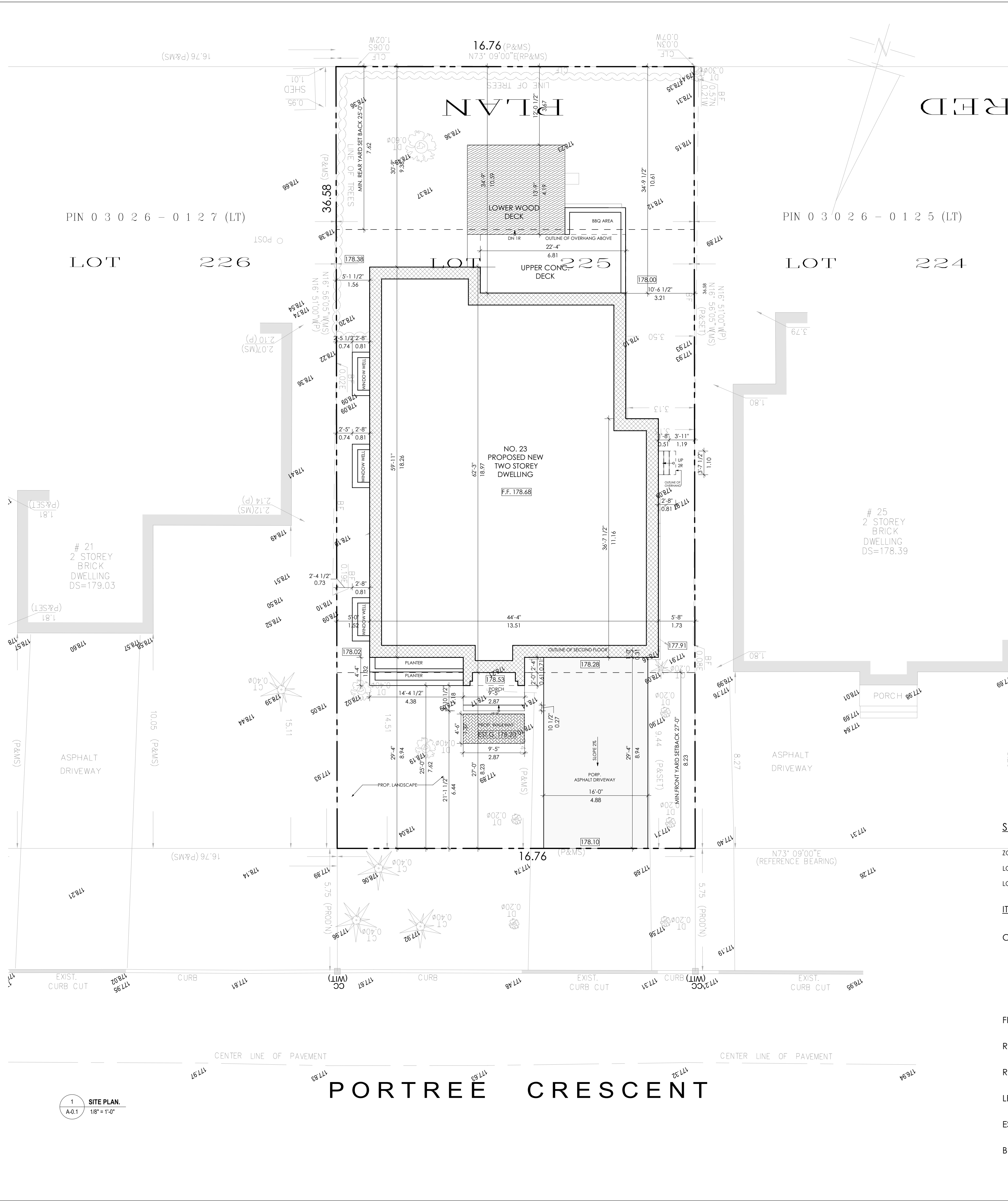


Hailey Miller, Planner I, West District



SEAL

A-0.0



SITE STATISTICS:

ZONED AS: R3A
LOT AREA: 6599.14 SQ.FT (613.08 m²)
LOT FRONTAGE: 16.76 m

ITEM	ZONING BY LAW ALLOWANCE	PROPOSED
COVERAGE	MAX.(33 1/3%) 2199.50 SQ.FT (204.34 m²)	
FRONT(SOUTH)YARD SETBACK	27' (8.23m)	27' 1/2" (8.24m)
REAR(NORTH)YARD SETBACK	25' (7.62m)	25' 3" (7.70m)
RIGHT(EAST)YARD SETBACK	6' (1.83m)	5' 8" (1.72m)
LEFT(WEST)YARD SETBACK	6' (1.83m)	5' (1.52m)
ESTABLISHED GRADE	178.20m	178.20m
BUILDING HEIGHT	25' (7.62m)	
	MID-POINT : 27' 7 3/4" (8.43m)	PEAK : 30' 3/4" (9.16m)

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The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents:

QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.4.3.(5) Division C of the Ontario Building Code.
MARIN ZABZUNI 45250
NAME SIGNATURE BCIN
REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7. Division C of the Ontario Building Code.
CONTEMPO STUDIO 46972
FIRM NAME BCIN

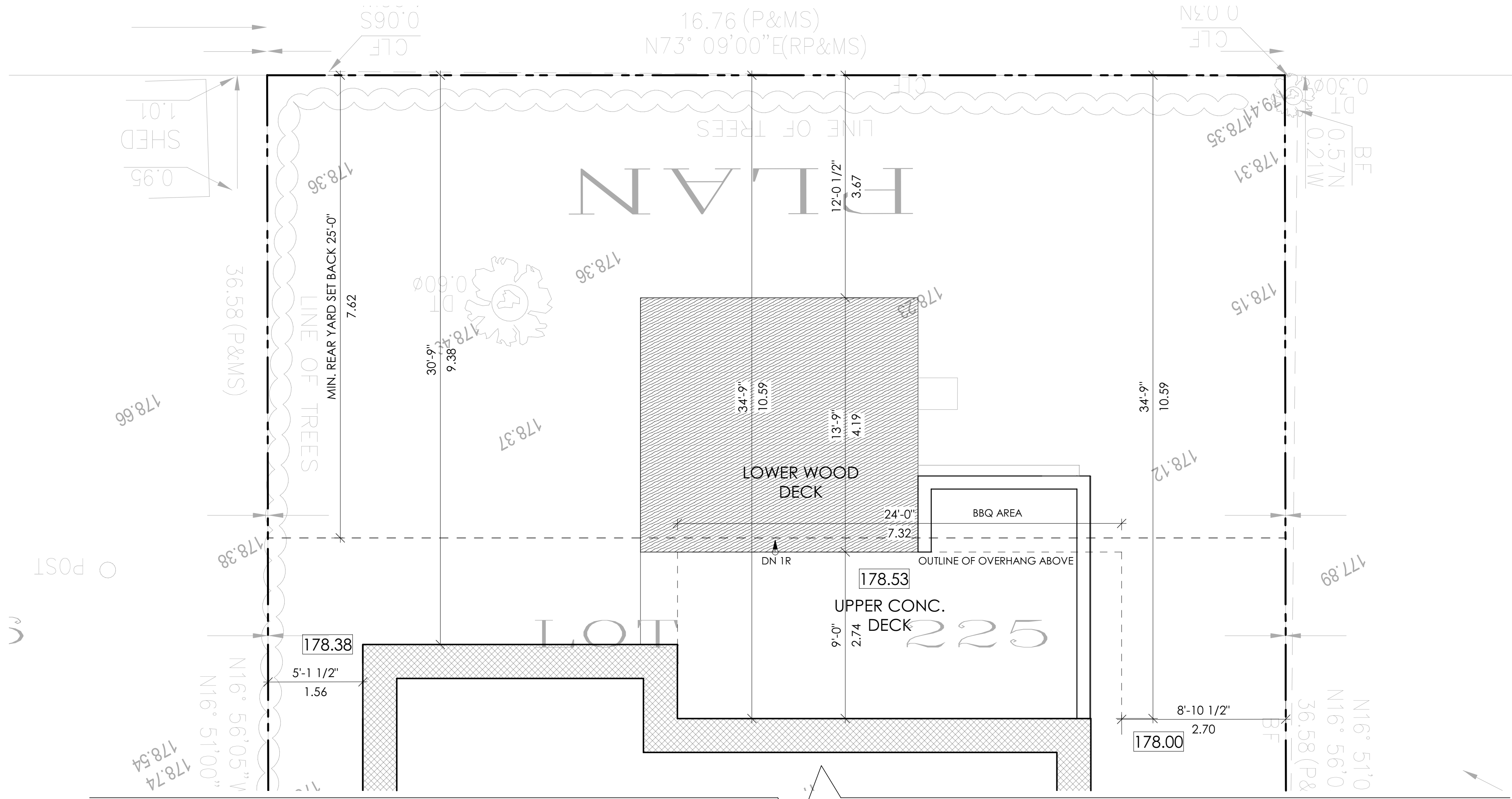
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TORONTO, ON, CANADA

SITE PLAN

Project number: 2020-77
Rev. no.:
Scale: As indicated
Date: 01/20/18
Drawn by: Author
Approved by: M.L.

Drawing number:

A-0.1

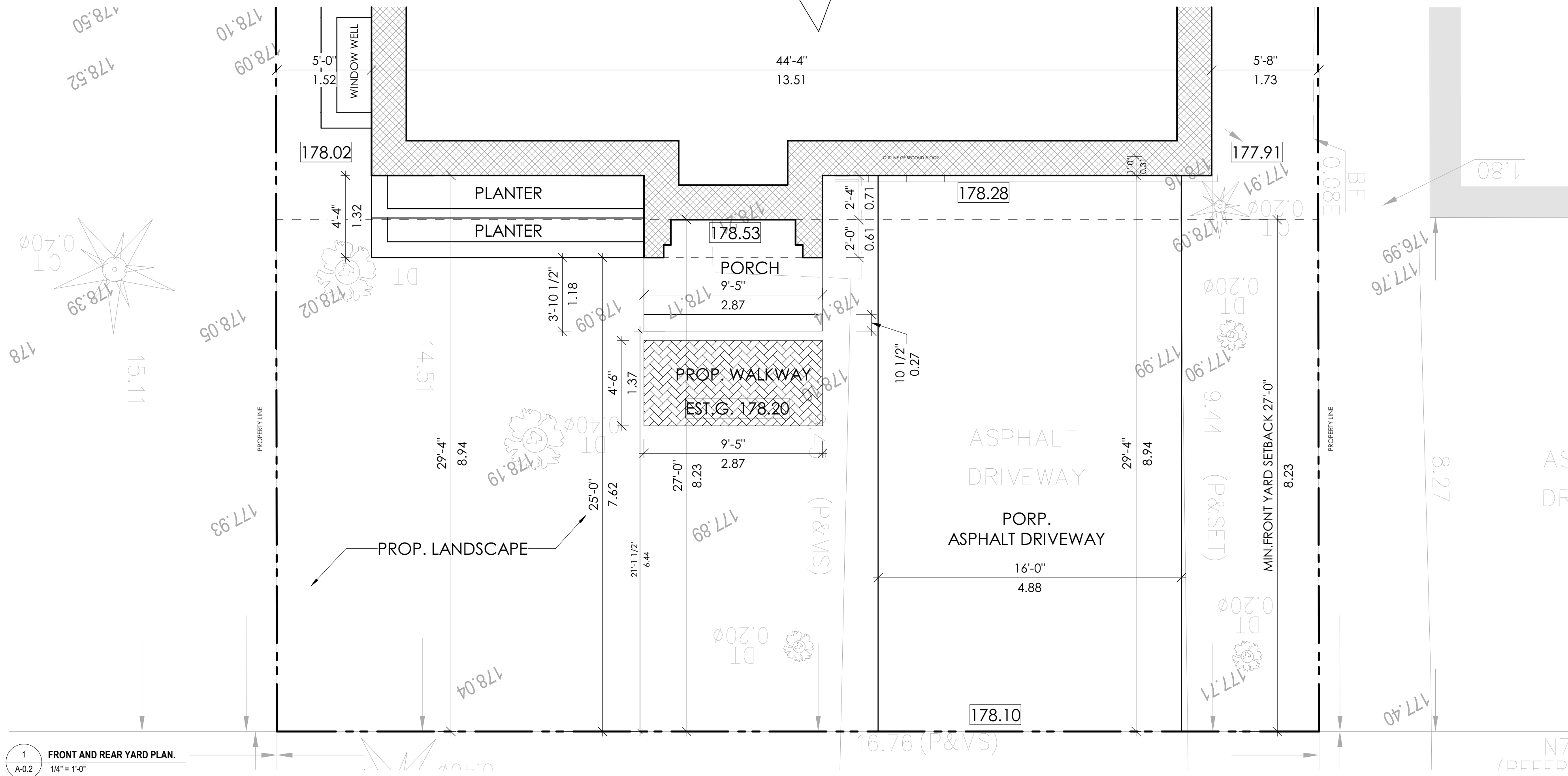


FRONT YARD STATISTICS:

ITEM	AREA	PERCENTAGE
FRONT YARD	147.56 m ² [1588.28 SQ.FT]	100%
- STAIRS & PORCH	5.5 m ² [59.24 SQ.FT]	3.73%
ACTUAL FRONT YARD	142.06 m2 [1529.12]	100%
MIN. LANDSCAPE AREA REQ.	56.85 m²	40%
ACTUAL FRONT YARD	142.06 m2 [1529.12]	100%
- DRIVEWAY AREA	43.63 m ² [469.63 SQ.FT]	30.7%
- PLANTER AREA	5.78 m ² [62.22 SQ.FT]	4.1%
- NEW WALKWAY AREA	4.21 m ² [45.37 SQ.FT]	2.96%
TOTAL LANDSCAPED AREA	88.44 m² [951.96 SQ.FT]	62.3%

REAR YARD STATISTICS:

ITEM	AREA	PERCENTAGE
REAR YARD	171.27 m ² [1843.54 SQ.FT]	100%
- STAIRS & DECK	45.81 m ² [493.14 SQ.FT]	26.75%
TOTAL LANDSCAPED AREA	125.46 m² [1,350.4 SQ.FT]	73.25%



1 FRONT AND REAR YARD PLAN.
A-0.2 1/4" = 1'-0"

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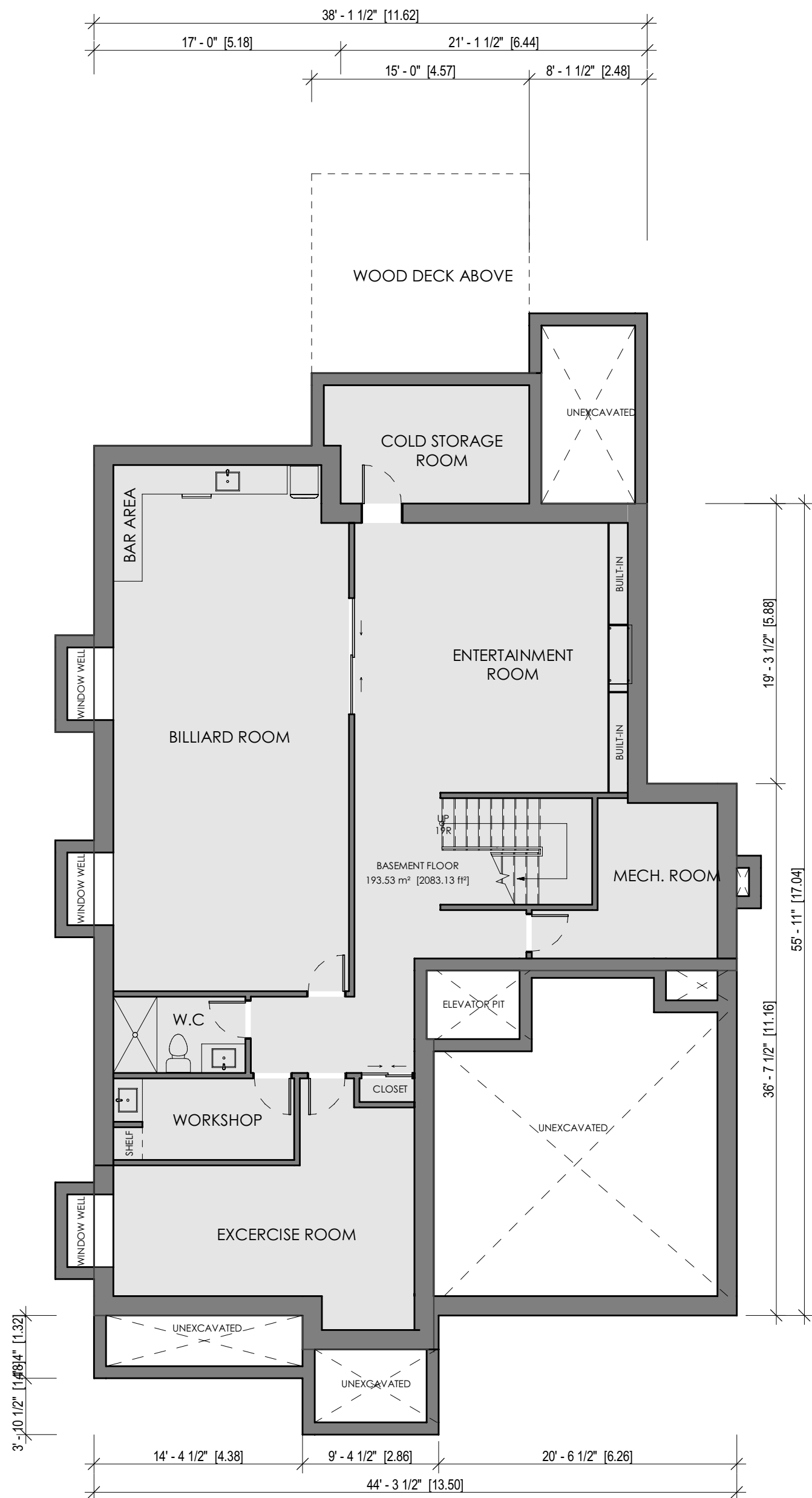
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FRONT & REAR YARD

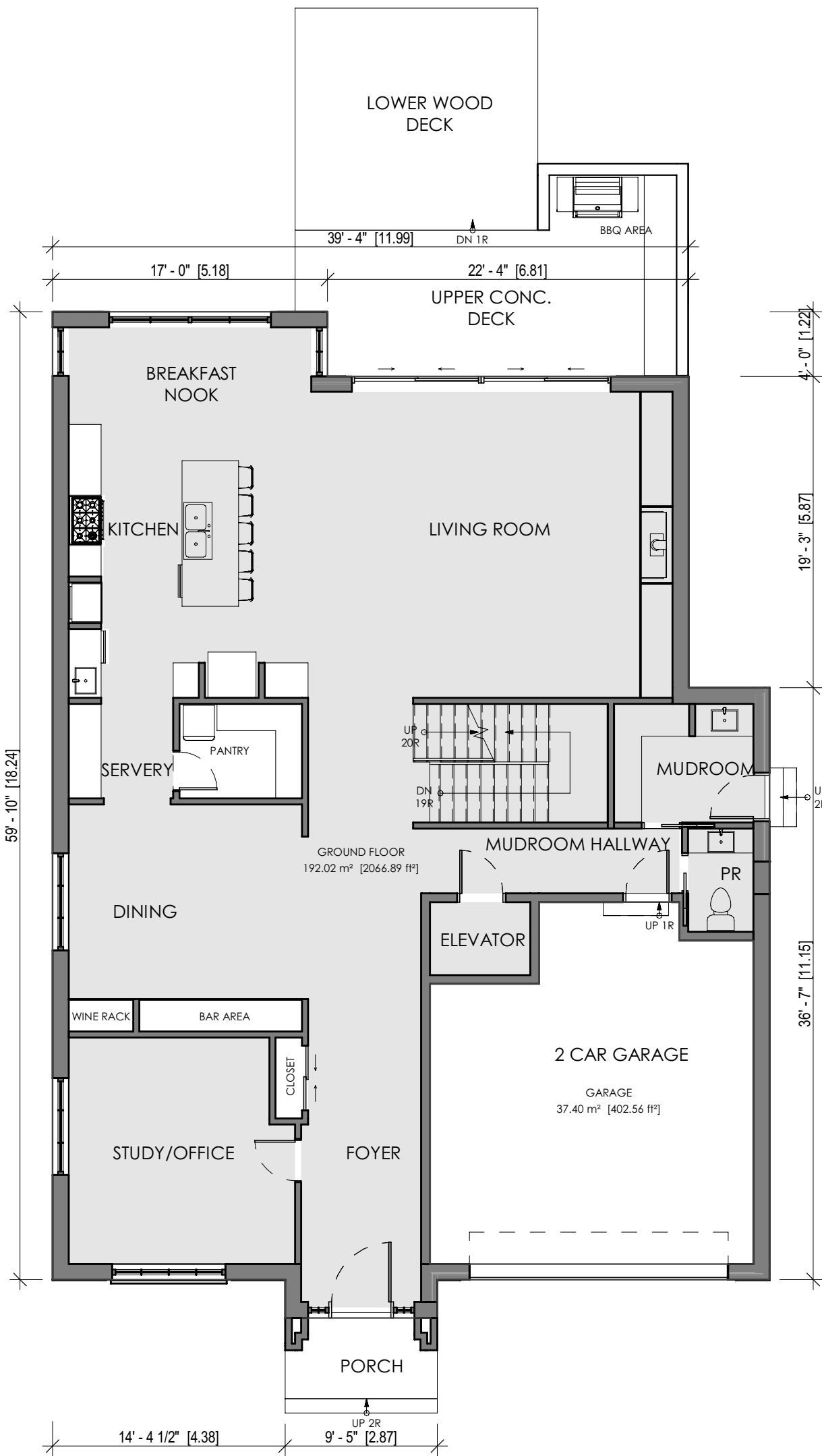
Project number: 2020-77
Rev. no.:
Scale: 1/4" = 1'-0"
Date: 02/25/21
Drawn by: Author
Approved by: M.Z.

Drawing number:

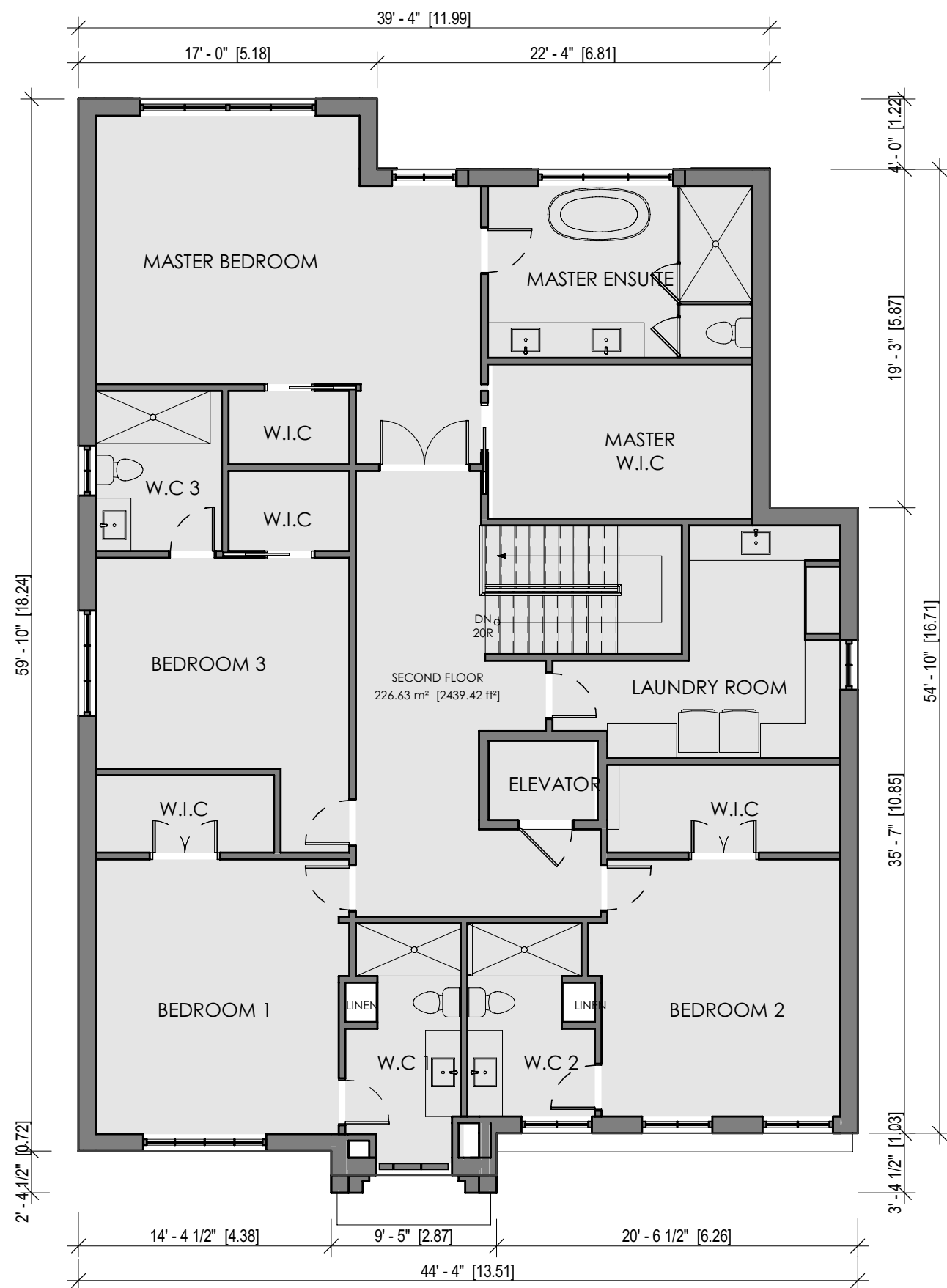
A-0.2



1 FIN. BASEMENT FLOOR.
A-0.3 1/8" = 1'-0"



2 FIN. GROUND FLOOR.
A-0.3 1/8" = 1'-0"



3 FIN. SECOND FLOOR.
A-0.3 1/8" = 1'-0"

GROSS FLOOR AREA

ITEM	AREA
GROUND FLOOR	2,066.89 SQ.FT (192.02 m²)
SECOND FLOOR	2,439.42 SQ.FT (226.63 m²)
TOTAL PROP. GFA	4506.31 SQ.FT (418.65 m²)
GARAGE AREA	402.56 SQ.FT (37.40 m²)

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NAME SIGNATURE BCIN

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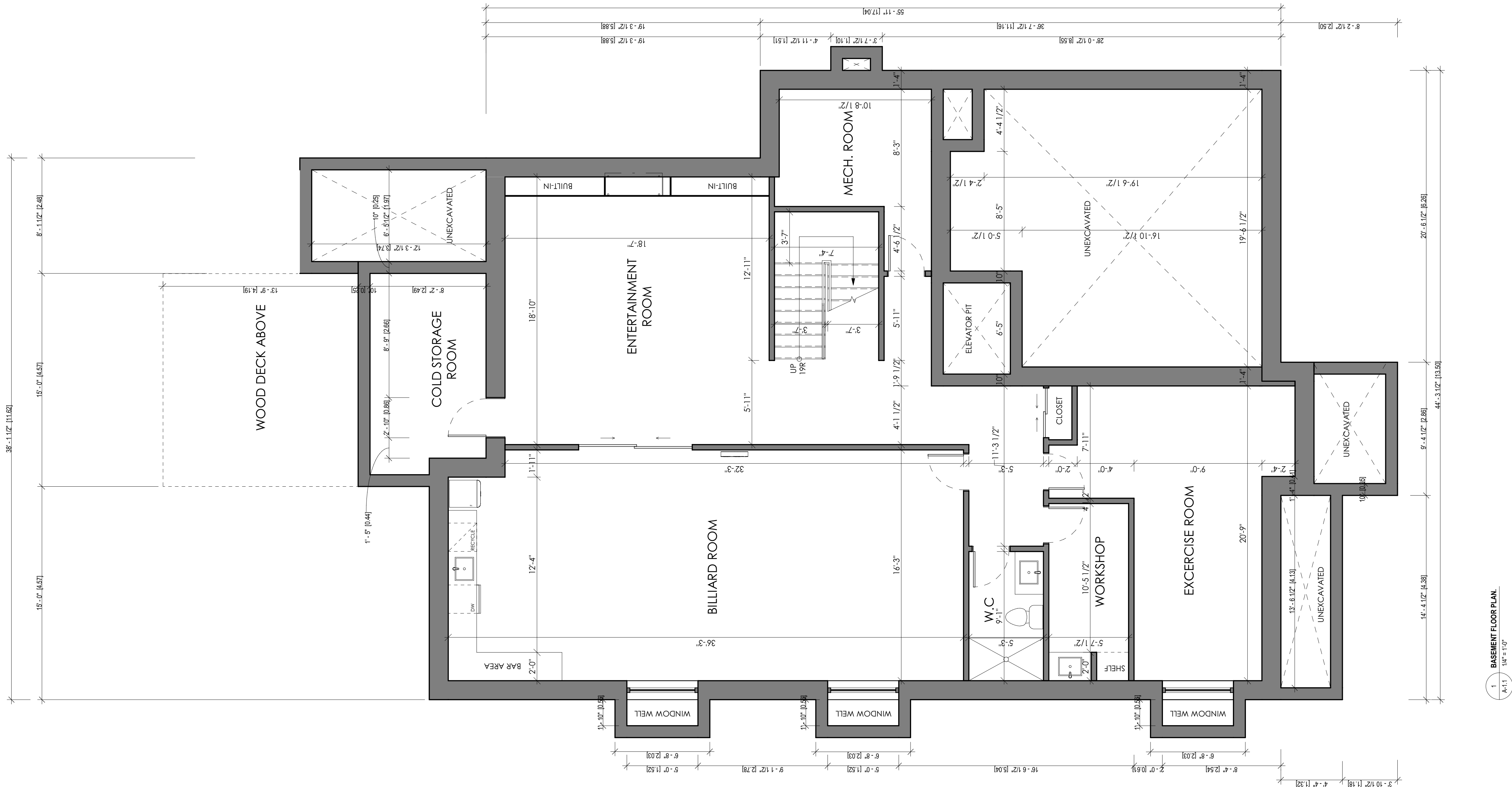
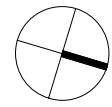
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AT
23 PORTREE CRESCENT
TORONTO, ON, CANADA

AREA PLANS

Project number: 2020-77
Rev. no.:
Scale: As indicated
Date: 03/02/21
Drawn by: Author
Approved by: M.Z.

Drawing number:

A-0.3



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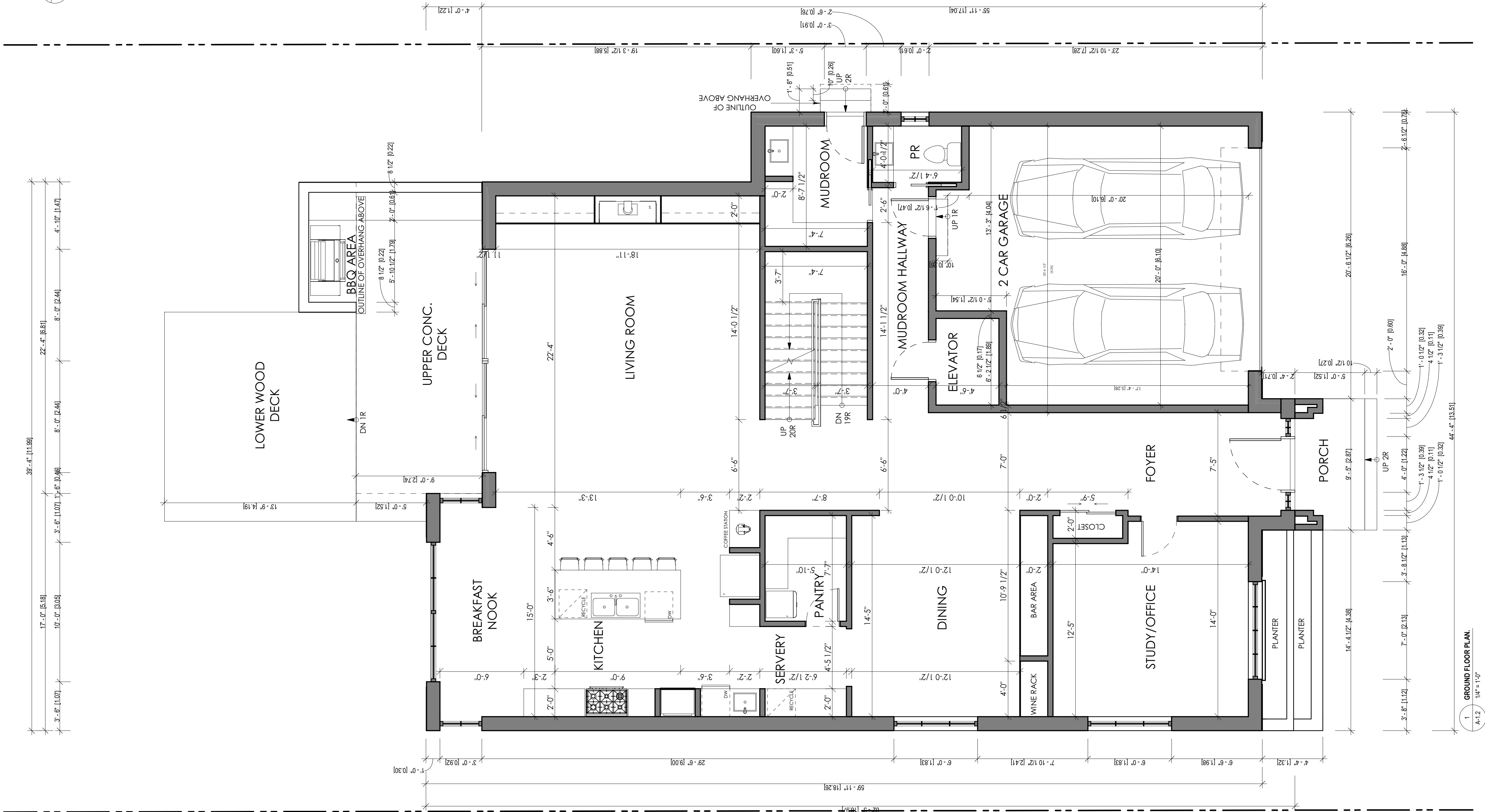
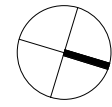
CONTEMPO STUDIO	46972
FIRM NAME	BCIN

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BASEMENT FLOOR PLAN

Project number:	2020-77
Rev. no.:	1/4" = 1'-0"
Scale:	02/25/21
Date:	Author
Drawn by:	M.Z.
Approved by:	

Drawing number: **A-1.1**



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CONTEMPO STUDIO	46972
FIRM NAME	BCIN

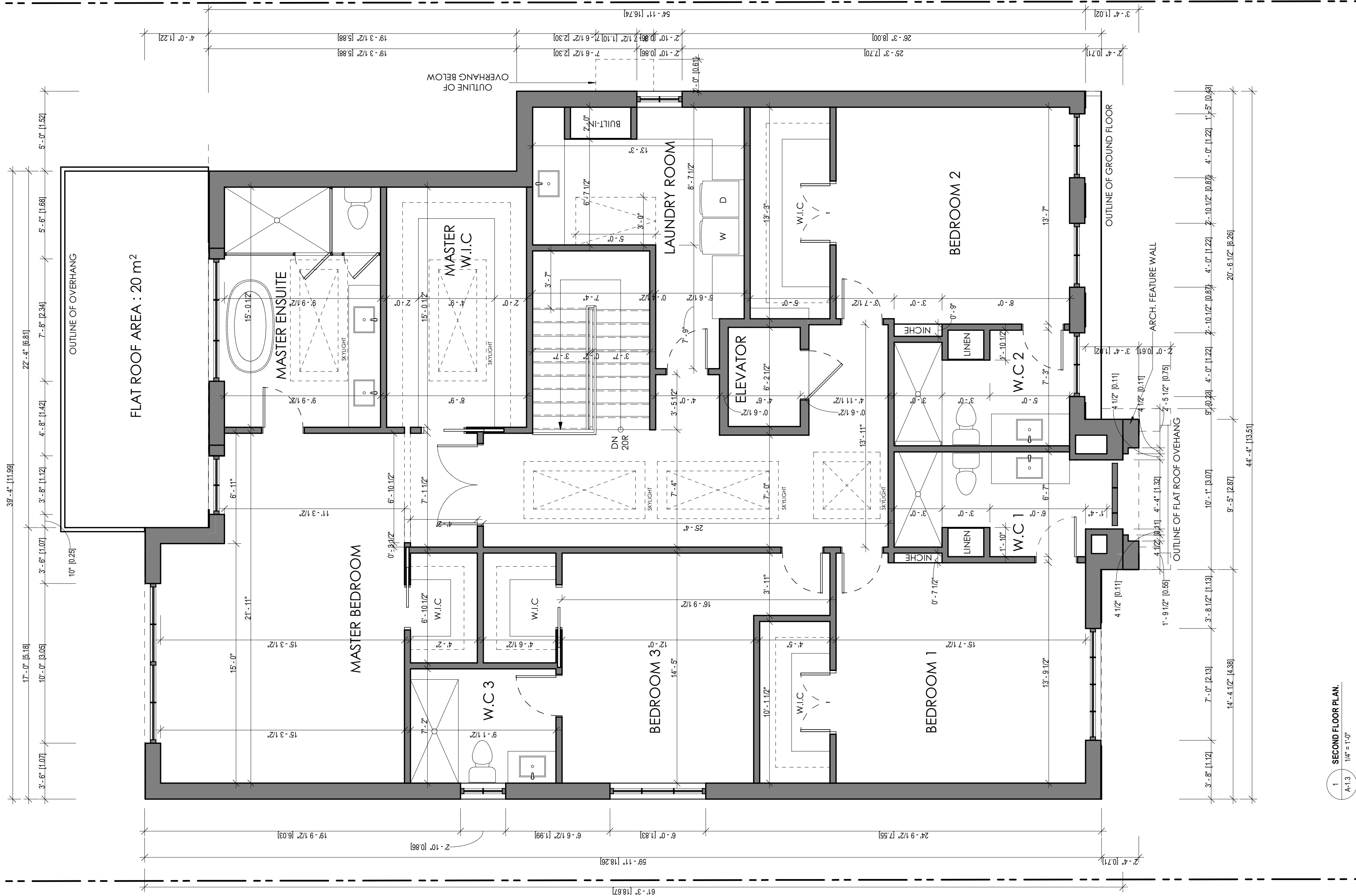
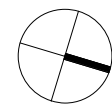
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AT
23 PORTREE CRESCENT
TORONTO, ON, CANADA

GROUND FLOOR

Project number:	2020-77
Rev. no.:	
Scale:	1/4" = 1'-0"
Date:	01/20/18
Drawn by:	Author
Approved by:	M.Z.

Drawing number:

A-1.2



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NAME		BCIN

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FIRM NAME	BCIN

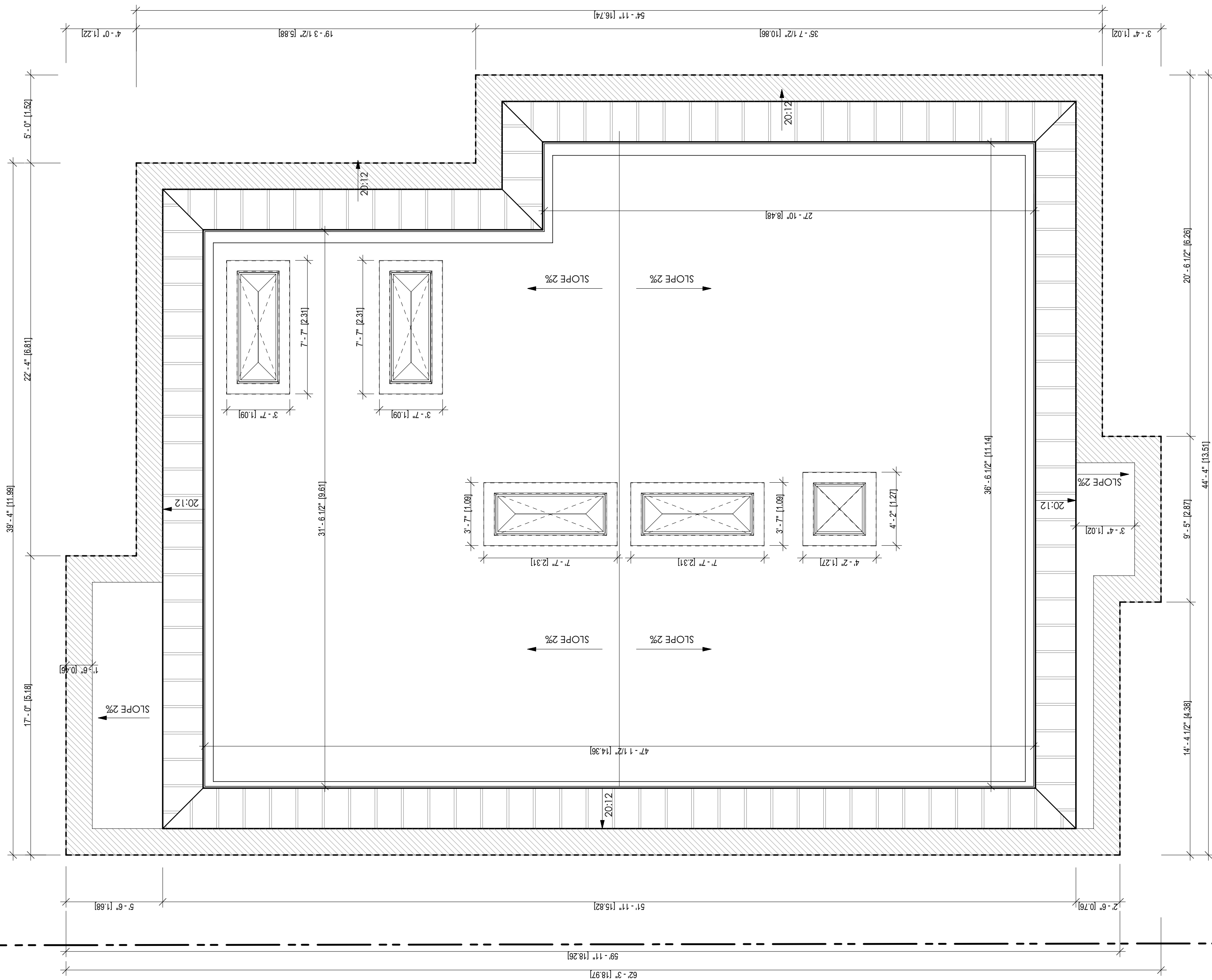
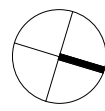
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SECOND FLOOR PLAN

Project number:	2020-77
Rev. no.:	1/4" = 1'-0"
Scale:	02/25/21
Date:	Author
Drawn by:	M.L.
Approved by:	

Drawing number:

A-1.3



1
A-1.4
1/4" = 1'-0"

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The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents:

QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.4.3.(5) Division C of the Ontario Building Code.

MARIN ZABZUNI	SIGNATURE	45250
NAME		BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7. Division C of the Ontario Building Code.

CONTEMPO STUDIO	46972
FIRM NAME	BCIN

23 PORTREE CRESCENT
AT
23 PORTREE CRESCENT
TORONTO, ON, CANADA

ROOF PLAN

Project number:	2020-77
Rev. no.:	
Scale:	1/4" = 1'-0"
Date:	02/25/21
Drawn by:	Author
Approved by:	M.Z.

Drawing number:

A-1.4



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t. (416) 770-0071 f. (416) 642-1691

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QUALIFICATION INFORMATION	
Required unless design is exempt under 3.2.4.3.(5) Division C of the Ontario Building Code.	
MARIN ZABZUNI	45250
NAME	SIGNATURE
REGISTRATION INFORMATION	
Required unless design is exempt under 3.2.4.7, Division C of the Ontario Building Code.	
CONTEMPO STUDIO	46972
FIRM NAME	BCIN

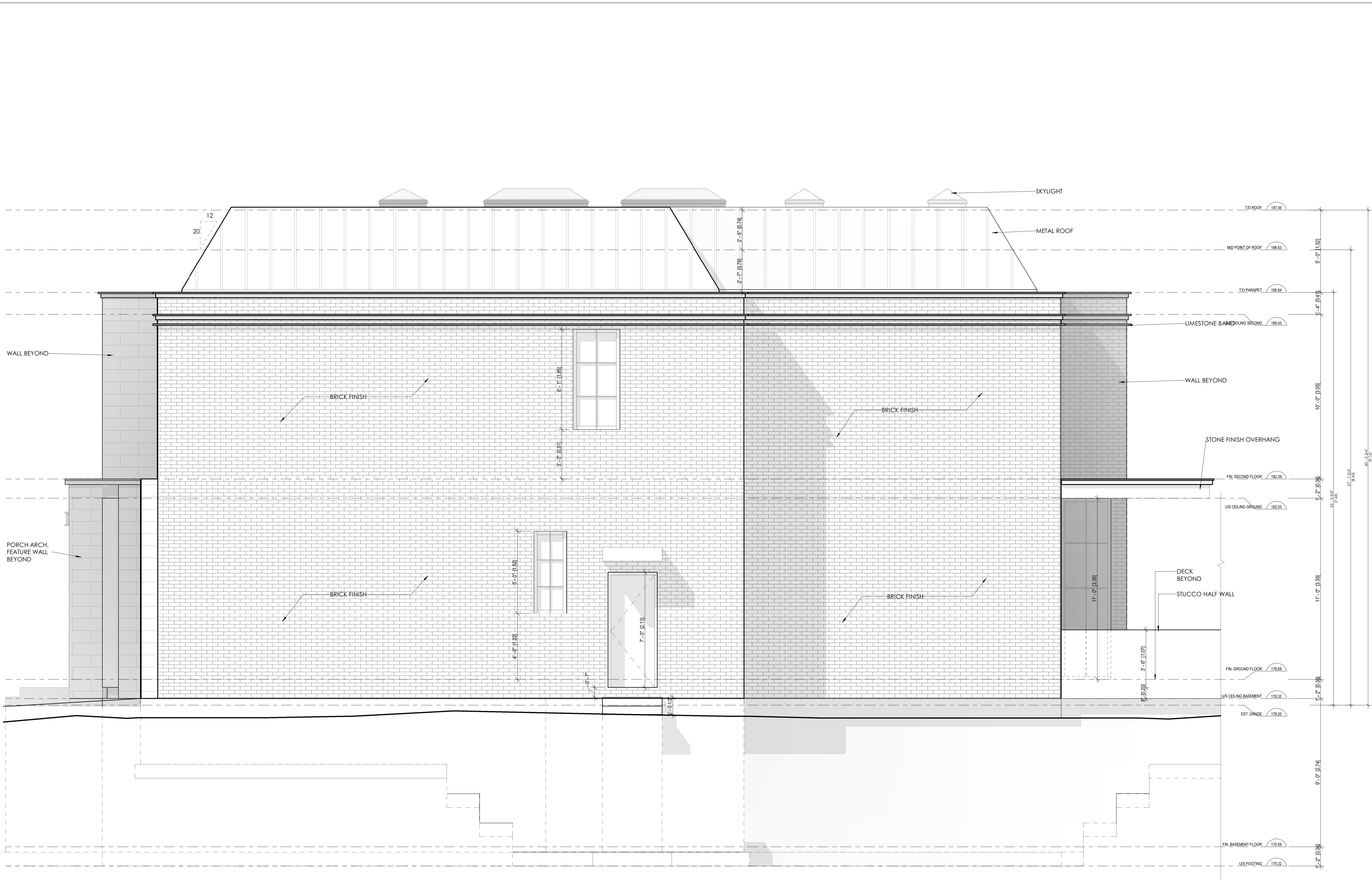
23 PORTREE CRESCENT
AT
23 PORTREE CRESCENT
TORONTO, ON, CANADA

SOUTH (FRONT) ELEVATION

Project number:	2020-77
Rev. no.:	
Scale:	3/8" = 1'-0"
Date:	02/25/21
Drawn by:	Author
Approved by:	M.Z.

Drawing number:

A-2.1



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MARIN ZABZUNI	SIGNATURE	45250
NAME		BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7, Division C of the Ontario Building Code.

CONTEMPO STUDIO	46972
FIRM NAME	BCIN

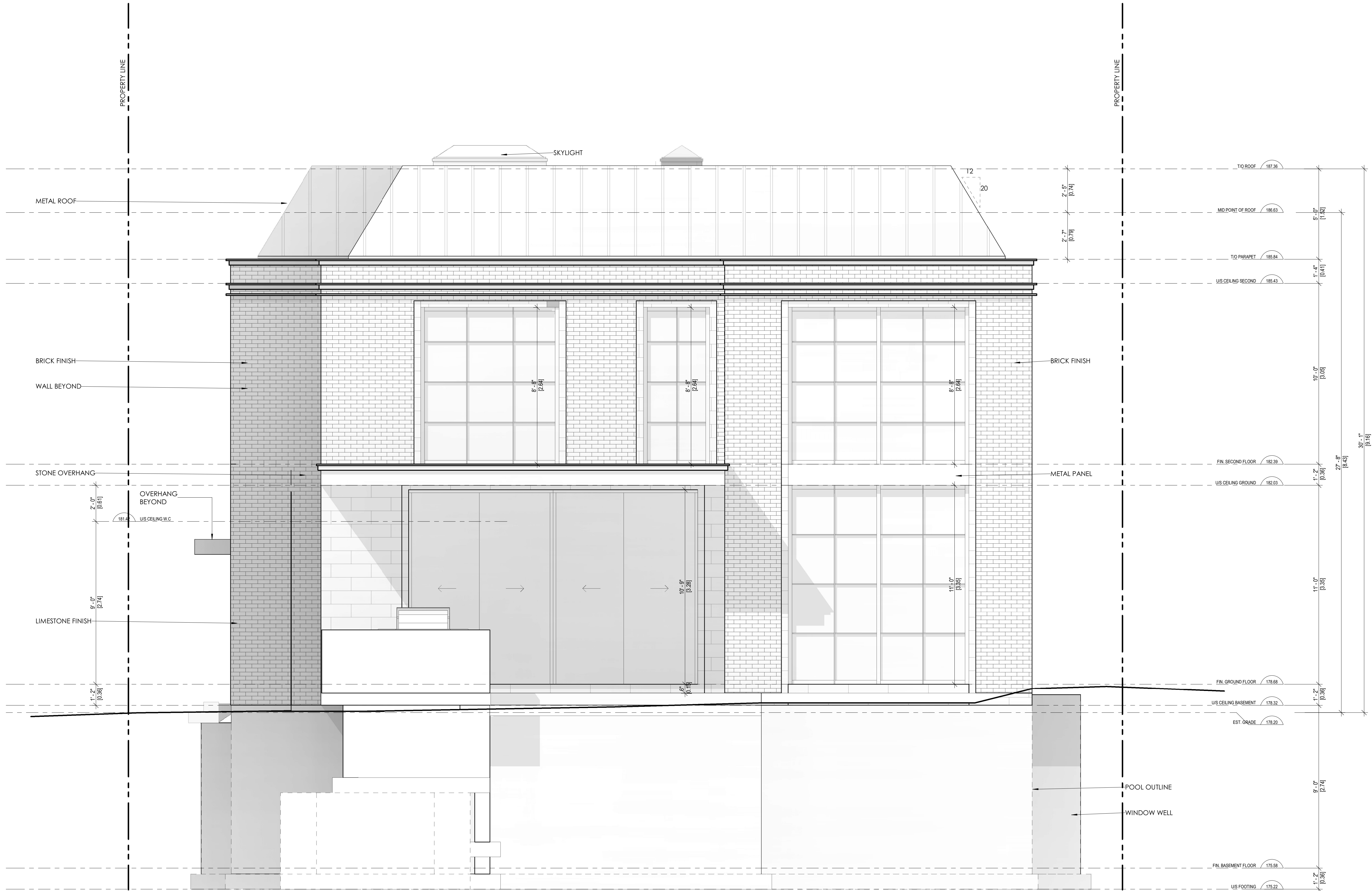
23 PORTREE CRESCENT
AT
23 PORTREE CRESCENT
TORONTO, ON, CANADA

EAST (SIDE) ELEVATION

Project number:	2020-77
Rev. no.:	
Scale:	3/8" = 1'-0"
Date:	01/20/18
Drawn by:	Author
Approved by:	M.Z.

Drawing number:

A-2.2



1 NORTH (REAR) ELEVATION.
A-2.3 3/8" = 1'-0"

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QUALIFICATION INFORMATION
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MARIN ZABZUNI
NAME SIGNATURE 45250 BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7, Division C of the Ontario Building Code.

CONTEMPO STUDIO 46972
FIRM NAME BCIN

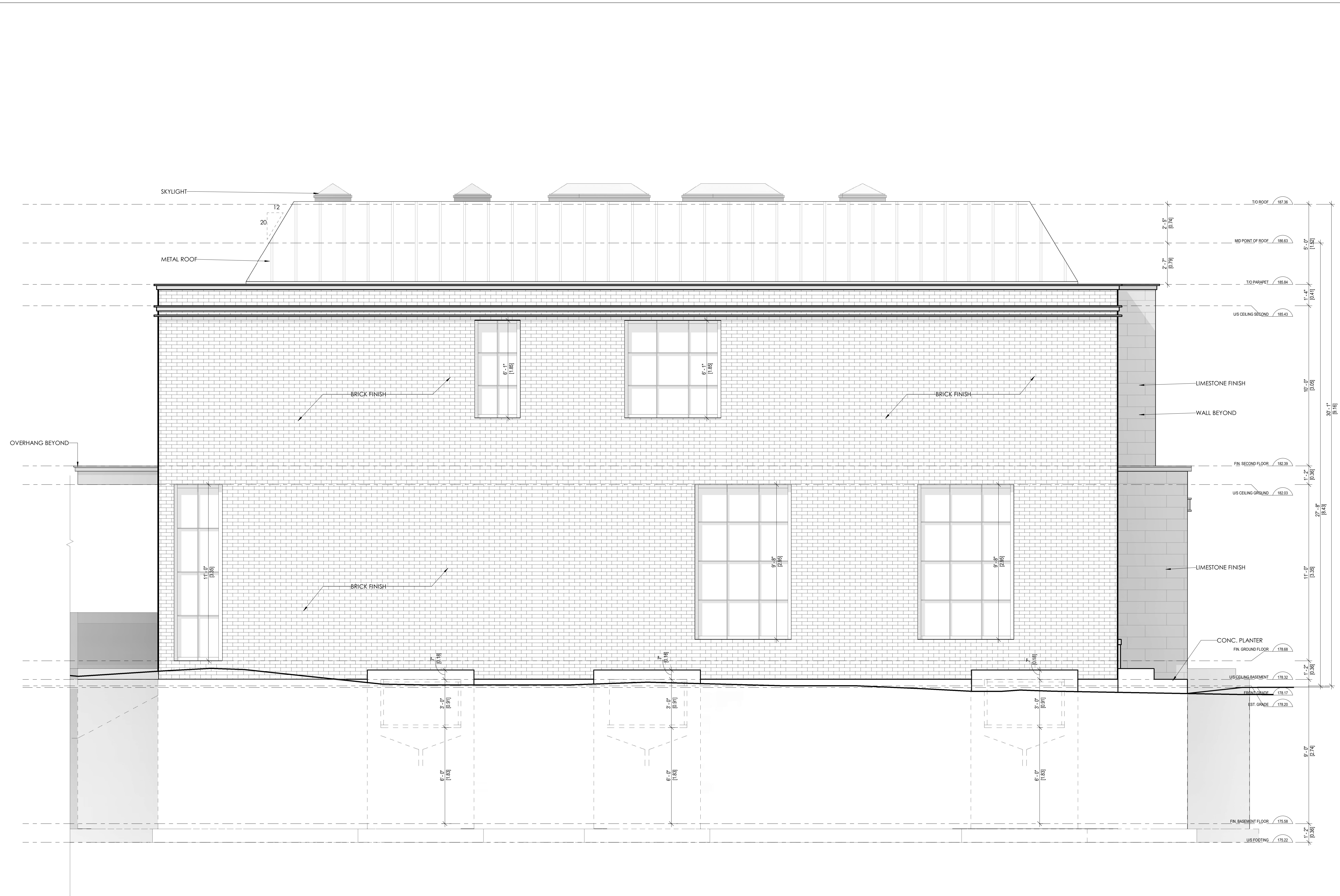
23 PORTREE CRESCENT
AT
23 PORTREE CRESCENT
TORONTO, ON, CANADA

NORTH (REAR) ELEVATION

Project number: 2020-77
Rev. no.:
Scale: 3/8" = 1'-0"
Date: 02/25/21
Drawn by: Author
Approved by: M.L.

Drawing number:

A-2.3



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QUALIFICATION INFORMATION
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MARIN ZABZUNI
NAME SIGNATURE 45250
BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7, Division C of the Ontario Building Code.

CONTEMPO STUDIO 46972
FIRM NAME BCIN

23 PORTREE CRESCENT
AT
23 PORTREE CRESCENT
TORONTO, ON, CANADA

WEST (SIDE) ELEVATION

Project number: 2020-77
Rev. no.:
Scale: 3/8" = 1'-0"
Date: 02/25/21
Drawn by: Author
Approved by: M.Z.

Drawing number: A-2.4