

Memorandum to the City of Markham Committee of Adjustment

August 27, 2021

File: A/111/21
Address: 683 Village Parkway – Markham, ON
Applicant: Changchun Mu
Agent: Cube Architects Inc. (Shaowei Cheng)
Hearing Date: September 8, 2021

The following comments are provided on behalf of the Central Team. The applicant is requesting relief from the following “Third Density Single Family Residential (R3)” zone requirements under By-law 11-72, as amended, as they relate to a proposed addition to a detached dwelling. The variances requested are to permit:

a) By-law 11-72, Sec. 6.1:

a minimum front yard setback of 6.24 m (20.47 ft), whereas the by-law permits a minimum front yard setback of 8.23 m (27.0 ft); and

b) By-law 11-72, Sec. 6.1:

a minimum north side yard setback of 1.26 m (4.13 ft), whereas the by-law permits a minimum side yard setback of 1.83 m (6.0 ft) for a two-storey dwelling.

BACKGROUND

Property Description

The 696.85 m² (7,500.72 ft²) subject property is located on the east side of Village Parkway, north of Carlton Road, east of Warden Avenue, and south of 16th Avenue. The subject property is currently developed with a two-storey detached dwelling, which has a one-storey front porch that is covered and unenclosed, and an attached one-storey two-car garage. According to assessment records, the dwelling was built circa 1977. Mature vegetation is located in the front yard. 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 construct a 69.89 m² (752.29 ft²) second storey addition above the existing garage, and new and existing kitchen areas (see floor plan, “Proposed Level 1”). The proposed second-storey addition is intended to accommodate two new bedrooms. The applicant seeks to recognize the existing covered front porch through this minor variance application which is setback at 6.24 m (20.47 ft), and also proposes to extend both the front porch and its canopy to align with the south building wall.

Official Plan 2014 (partially approved on November 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 Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. This criteria is established to ensure that infill 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 the retention of existing trees and vegetation.

Zoning By-Law 11-72

The subject property is zoned “Third Density Single Family Residential (R3)” 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 with respect to the minimum front yard setback, and interior side yard setback.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on July 27, 2021 to confirm the variances required for the proposed development.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (“the Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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.

Reduction in Front Yard Setback

The applicant is requesting a minimum front yard setback of 6.24 m (20.47 ft), whereas the By-law requires a minimum front yard setback of 8.23 m (27.0 ft). This is a reduction of 1.99 m (6.53 ft). The By-law allows attached garages to have a front yard setback of 6.10 m (20.0 ft), and staff note the requested variance would therefore apply to the:

- proposed second-storey addition;
- existing covered front porch; and
- proposed extension to the existing covered porch.

The second-storey addition would align with the existing north and west building walls at the first-storey. While the second-storey addition will add some mass to the front of the dwelling, staff are of the opinion that the proposed addition would be of minimal impact, while allowing the applicant to expand their living space and make for appropriate use of the existing footprint. If approved, the existing covered front porch and proposed extension thereof would align with the south and west building walls. As the existing covered front porch is unenclosed, staff are satisfied that its existing location, and the proposed extension thereof, will not significantly contribute to the overall mass of the building.

In the event of approval, staff recommend that the tree conditions listed in Appendix “A” be adopted by the Committee, which would require the applicant to erect tree fencing/hoarding prior to commencement of any site works.

Reduced in Side Yard Setback (Two-Storey Portion)

The applicant is also requesting a minimum north side yard setback of 1.26 m (4.13 ft), whereas the By-law requires a minimum side yard setback of 1.83 m (6.0 ft) for the two-storey portion of the dwelling. This is a reduction of 0.57 m (1.87 ft).

The existing garage and dwelling complies with the side yard setback requirement of 1.20 m (4.0 ft) for the first-storey. The requested variance is required to permit a setback of

1.26 m (4.13 ft) for the second-storey addition along the north side. The intent of having separate side yard setback requirements for first and second-storey portions of a building is to provide for:

- adequate spacing between homes; and
- massing elements as the building height increases.

The second-storey addition would be within the footprint of the existing dwelling, and Engineering staff have not identified any concerns relating to drainage. Urban Design staff have also reviewed the application, and in giving consideration to the applicant's request, staff are of the opinion that the reduction would result in minimal shadowing impacts to the neighbouring property to the north.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 27, 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*. While the proposed second-storey addition will add some building mass to the front and sides of the dwelling, the proposed development allows the applicant to expand their living space and makes for appropriate use of the existing building footprint. Staff are of the opinion that the proposed addition, existing covered front porch, and the proposed extension thereof will not significantly impact adjacent properties, and meets the four tests.

Staff recommend that the Committee consider public input in reaching a decision, along with the conditions of approval detailed in Appendix "A". The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

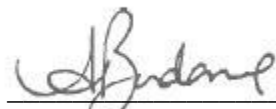
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District

APPENDIX "A"**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/111/21**

1. The variances apply only to the proposed development for 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 that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
3. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, 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 Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX “B”

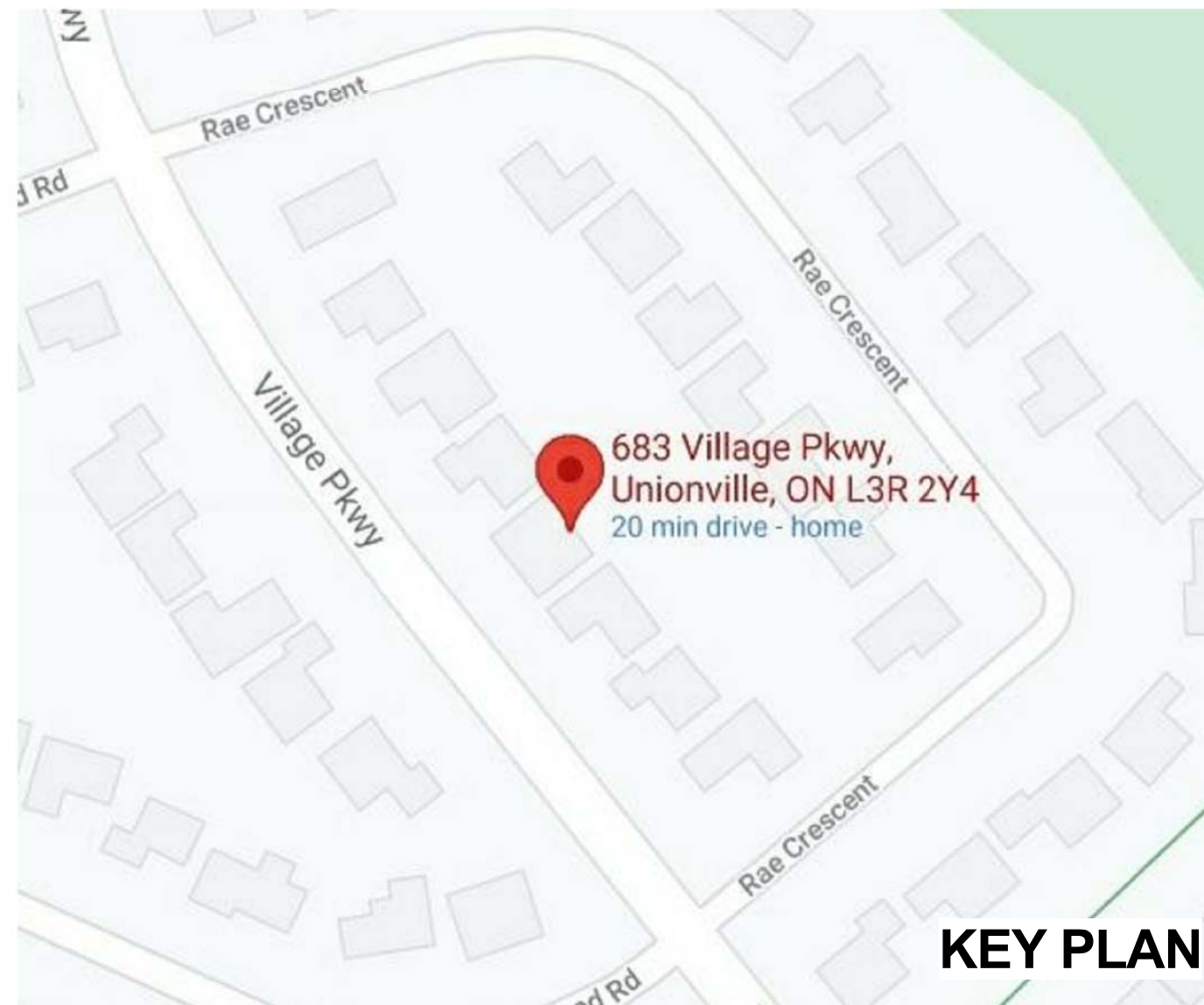
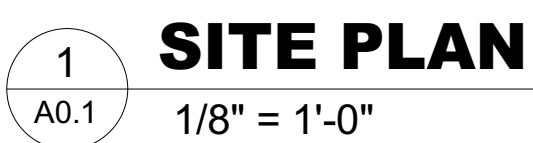
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/111/21

Appendix B

File: 21.131600.000.00.MNV

Date: 09/02/21

MMD/YY



GROSS FLOOR AREA		
NAME	FLOOR AREA	COMMENTS
EXISTING LEVEL 1	145.10 m ²	GARAGE AREA EXCLUDED
NEW ADDITION ON LEVEL 2	69.89 m ²	
EXISTING LEVEL 2	108.43 m ²	
TOTAL: 3	323.42 m ²	



THIS DRAWING IS **NOT TO BE USED FOR CONSTRUCTION** UNTIL APPROVED & SIGNED BY CITY AND GET A BUILDING PERMIT

DIMENSION ANNOTATION:

ABOVE: FEET - INCH
BELOW: MILLIMETER
(UNLESS OTHERWISE NOTED)








[illegible]

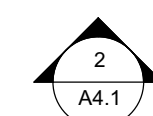
No.	REVISION	DATE
1	Note "No kitchen and accessory unit in the basement"	2021-07-19
2	Put existing rear yard setback and building height in Statistics	2021-07-19
3	Put a notation for canopy extension	2021-08-18

STAMP - STRUCTURE	STAMP - ARCHITECTURE
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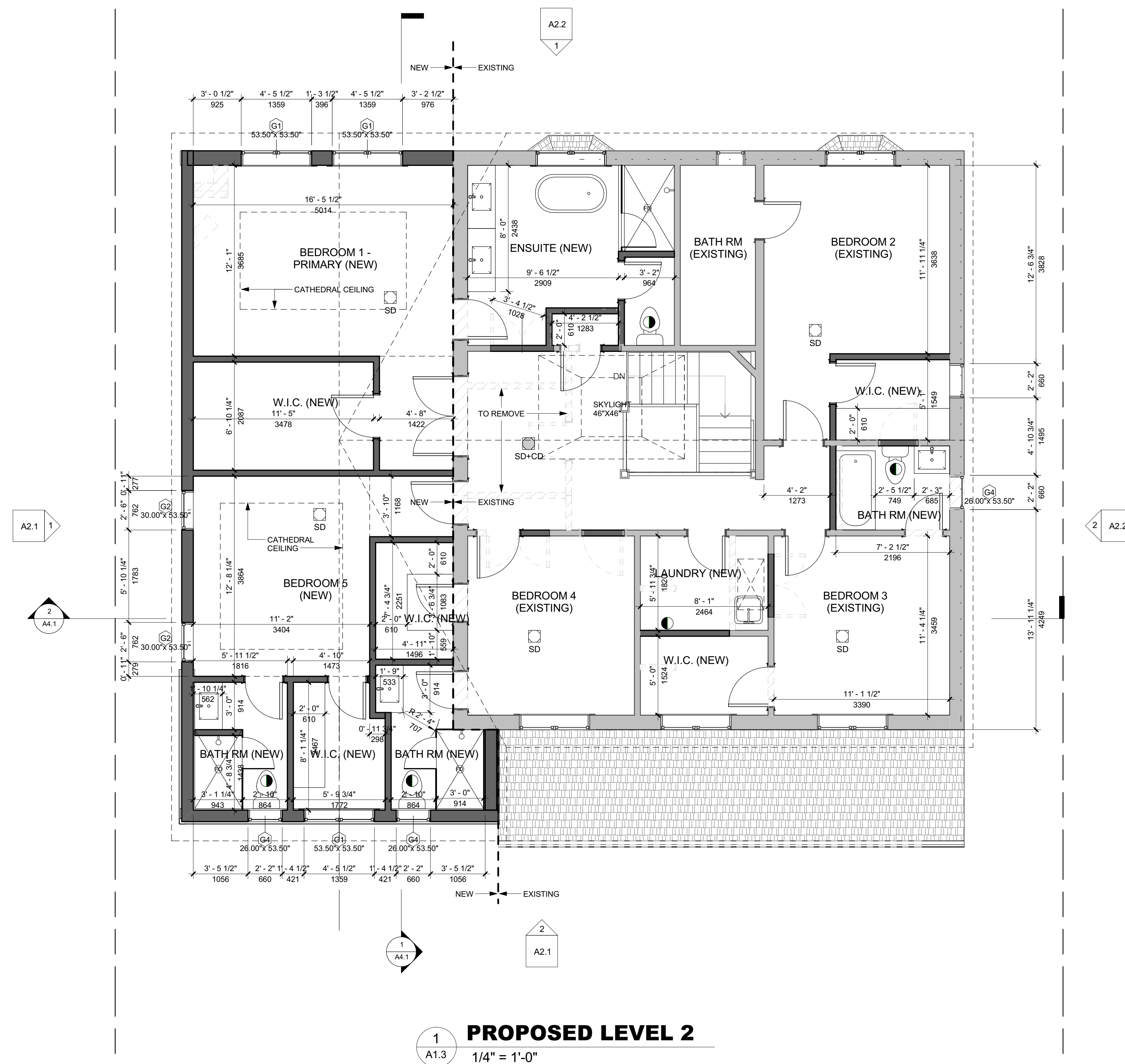
CUBE ARCHITECTS INC.
Tel: 416-272-6788,
Email: shaowei.cheng@outlook.com

CLIENT MAX	
PROJECT 683 Project Parkway Markham	
DRAWING	
<h1>COVER SHEET & SITE PLAN</h1>	
FILE NUMBER	
PROJECT NUMBER	2116
DATE	2021-08-18
DRAWN BY	S.C.
DESIGNED BY	S.C.
DRAWING NO.	
<h2>A0.1</h2>	
SCALE	1/8" = 1'-0"

	INTERCONNECTED SMOKE DETECTOR W/ VISUAL SIGNALLING COMPONENT		EXHAUST FAN
	INTERCONNECTED SMOKE DETECTOR W/ VISUAL SIGNALLING COMPONENT AND CARBON MONOXIDE DETECTOR		FLOOR DRAIN
			EXISTING WALL REMOVED
			EXISTING WALL REMAIN
			NEW WALL



NEW WINDOW SCHEDULE - FRAME SIZE					
TYPE MARK	FRAME WIDTH	FRAME HEIGHT	NAME	LEVEL	TYPE COMMENTS
G1	53.50"	53.50"	NEW 53.5" x 53.5"	EXISTING LEVEL 2	
G1	53.50"	53.50"	NEW 53.5" x 53.5"	EXISTING LEVEL 2	
G1	53.50"	53.50"	NEW 53.5" x 53.5"	EXISTING LEVEL 2	
G2	30.00"	53.50"	NEW 30" x 53.5"	EXISTING LEVEL 2	
G2	30.00"	53.50"	NEW 30" x 53.5"	EXISTING LEVEL 2	
G3	52.00"	60.00"	NEW 52" x 60"	EXISTING LEVEL 1	
G4	26.00"	53.50"	NEW 26" x 53.5"	EXISTING LEVEL 2	
G4	26.00"	53.50"	NEW 26" x 53.5"	EXISTING LEVEL 2	
G4	26.00"	53.50"	NEW 26" x 53.5"	EXISTING LEVEL 2	
G5	26.00"	30.00"	NEW 26" x 53.5" 2	EXISTING LEVEL 1	
SG	46.00"	46.00"	NEW SKYLIGHT	EXISTING TOP OF ROOF	MOTORIZED SKYLIGHT ROOF



THIS DRAWING IS NOT TO BE USED FOR
CONSTRUCTION UNTIL APPROVED & SIGNED BY
CITY AND GET A BUILDING PERMIT

DIMENSION ANNOTATION:

ABOVE: INCH
 BELOW: MILLIMETER
 (UNLESS OTHERWISE NOTED)

[illegible]

STAMP - STRUCTURE

STAMP - ARCHITECTURE



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CLIENT

MAX

PROJECT	683 Village Parkway Markham
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DRAWING

PROPOSED LEVEL 2 FLOOR PLAN

FILE NUMBER

PROJECT NUMBER	2116
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DATE	2021-06-25
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DRAWN BY	SC
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DESIGNED BY	S.C.
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DESIGNED BY	DATE
DRAWING NO.	

A13

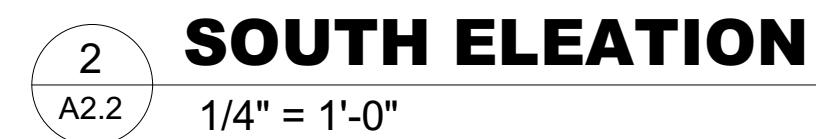
A1.3

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



WALL: 66.5 SM
GLAZED OPENINGS: 4.64 SM
RATIO: 7%

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