

Memorandum to the City of Markham Committee of Adjustment

July 30, 2020

File: A/063/20
Address: 8 Callahan Rd – Markham, ON
Applicant: Kevin Tieu & Amy Zhu
Agent: Contempo Studio
Hearing Date: Wednesday August 12, 2020

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

a) Section 6.1:

a minimum front yard setback of 25.0 ft (7.62 m), whereas a minimum front yard setback of 27.0 ft (8.23 m) is required;

b) Section 4.11:

a minimum flankage yard setback of 10.04 ft (3.06 m), whereas a minimum flankage yard setback of 13.45 ft (4.10 m) is required;

c) Section 6.1:

a maximum lot coverage of 35.02%, whereas a maximum lot coverage of 33.33% is permitted; and

d) Section 6.1:

a maximum height of 26.90 ft (8.20 m), whereas a maximum height of 25.0 ft (7.62 m) is permitted.

BACKGROUND

Property Description

The 905.39 m² (9,745.53 ft²) subject property is a corner lot situated at the southwest corner of Gainsville Avenue and Callahan Road, which is located east of Fred Varley Drive and north of Krieghoff Avenue. A two-storey single detached dwelling exists on the property, with mature vegetation throughout.

The subject property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is under transition with newer dwellings being developed as infill developments.

Proposal

The applicant is proposing to demolish the existing two-storey dwelling and construct a larger, two-storey dwelling with an attached four car garage, which fronts onto Gainsville Avenue. The four car garage has a ground floor area of approximately 79.90 m² (860.0 ft²). Excluding the garage, the proposed dwelling has a gross floor area of approximately 527.12 m² (5,674.06 ft²).

Official Plan and Zoning

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 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 11-72

The subject property is zoned “Fourth Density Single Family Residential (R4)” under By-law 11-72, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the minimum front yard, minimum flankage yard, maximum lot coverage, and maximum height requirements of the By-law.

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 with this trend, a number of residents asked that Markham consider an Infill 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.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on April 28, 2020 to confirm the initial variances required for the proposed development. In response to staff’s comments, the applicant submitted revised plans on July 16, 2020 (Appendix “B”), with reduced variance requests as they relate to those variances identified on the initial ZPR.

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.

Reduction in Minimum Front Yard Setback

The applicant is requesting a minimum front yard setback of 25.0 ft (7.62 m), whereas the By-law requires a minimum front yard setback of 27.0 ft (8.23 m). This is a reduction of approximately 2.0 ft (0.61 m). By definition of the By-law, the front lot line for the subject property is located along Gainsville Avenue, and accordingly the front yard setback is taken from the same. Staff are of the opinion that the proposed front yard setback is generally consistent with the established pattern of other homes along Gainsville Avenue and have no objections to the requested variance.

Reduction in Minimum Flankage Yard Setback

The flanking yard is the side yard of a corner lot where the lot abuts a street. The flankage yard setback is measured from the exterior side lot line to the main wall of the building. The applicant is requesting a minimum flankage yard setback of 10.04 ft (3.06 m), whereas the By-law requires a minimum flankage yard setback of half of the height of the building or not less than 12.0 ft (3.66 m), whichever is greater.

The applicant is proposing a building height of 26.90 ft (8.20 m); therefore, the By-law requires a minimum flankage yard setback of 13.45 ft (4.10 m). The applicant is proposing a flankage yard setback of 10.04 ft (3.06 m), which represents a reduction of approximately 3.41 ft (1.04 m) from the By-law requirement.

The proposed variance applies to the edge of the covered porch located along the south side of the dwelling, as identified in the plans attached as Appendix "B". The main wall of the building is setback approximately 12.96 ft (3.95 m), which is a reduction of 0.49 ft (0.15 m) from the By-law requirement. Staff are of the opinion that the proposed setback maintains the general intent of the By-law, and have no objections to the requested variance.

Increase in Maximum Lot Coverage

The applicant is requesting a maximum lot coverage of 35.02% or 3,412.81 ft² (317.06 m²), whereas the By-law permits a maximum lot coverage of 33.33% or 3,248.12 ft² (301.76 m²). The proposed lot coverage includes the front covered porch, which adds approximately 67.38 ft² (6.26 m²) to the overall building area. Excluding the front covered porch, the building has a lot coverage of approximately 34.33%.

The majority of the north building line is setback approximately 16.21 ft (4.94 m) from the interior side yard, which exceeds the 6.0 ft (1.83 m) required by the By-law. Additionally, given the requested variances, the proposed development would comply with the rear yard requirement of the By-law. Staff note that the rear yard setback at the south side of the dwelling is 25.0 ft (7.62 m), which meets the minimum By-law requirement of 25.0 ft (7.62 m). However, the north side of the dwelling shows a setback of 24.97 ft (7.61 m). Confirmation from the applicant is required that the minimum rear yard setback of 25.0 ft (7.62 m) has been met. Once confirmed, an adjustment to the rear yard setback on the north side of the dwelling will need to be addressed at the Building Permit stage.

It should be noted that while staff do not evaluate the architectural design of buildings that are the subject of a variance application, consideration is given to many aspects of the development proposal including, but not limited to, the extent of the variances sought, the additional height and massing that may be created and any projections, or setbacks proposed that may assist in mitigating potential impacts. Staff are of the opinion that the proposed increase in lot coverage is generally consistent with the By-law requirement, and will not significantly add to the scale and massing of the dwelling.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 26.90 ft (8.20 m), whereas the By-law permits a maximum building height of 25.0 ft (7.62 m). This represents an increase of 2.0 ft (0.58 m).

Newer infill developments within the surrounding area vary in height. This includes a mix of one-storey dwellings that are smaller in scale, and larger two-storey dwellings. The

applicant is proposing a two-storey dwelling with a height that is consistent with other infill developments in the surrounding area. Staff are of the opinion that the proposed height will not result in adverse impacts to adjacent properties. Accordingly, staff have no objections to the requested variance.

Tree Preservation & Compensation

Assessing the impacts to existing vegetation on a lot, as well as any additional vegetation proposed, is also evaluated by staff. An applicant's ability to use existing or proposed vegetation to "soften" the real or perceived bulk and massing of a new development within an established community is factored into staff's assessment of a proposal.

The applicant has submitted an arborist report and tree protection plan, prepared by a certified arborist. The tree protection plan confirms that a total of six trees exist on the subject property, two of which are City trees located within the municipal right of way along Callahan Road. The arborist report recommends the removal of three trees, one of which is a City owned tree.

Staff are of the opinion that the City tree can be preserved and that this can be secured through a condition of approval. The applicant is proposing to preserve the other three trees. Staff recommend that the requested tree removals are reviewed by Operations staff as a condition of approval, and that the conditions in Appendix "A" be adopted by the Committee in the event of approval. Staff note that minor changes to the Site Plan, and corresponding architectural plans, may take place through this process. Should changes result in any modifications to the requested variances, or if the need for additional variance requests is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 30, 2020. 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 By-law, and how they satisfy the tests of *the Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

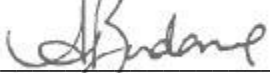
Appendix "B" – Plans

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/063/20

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 batch stamped plans attached as Appendix "B" to this Staff Report and received by the City of Markham on July 16, 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. That the Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, 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, 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.

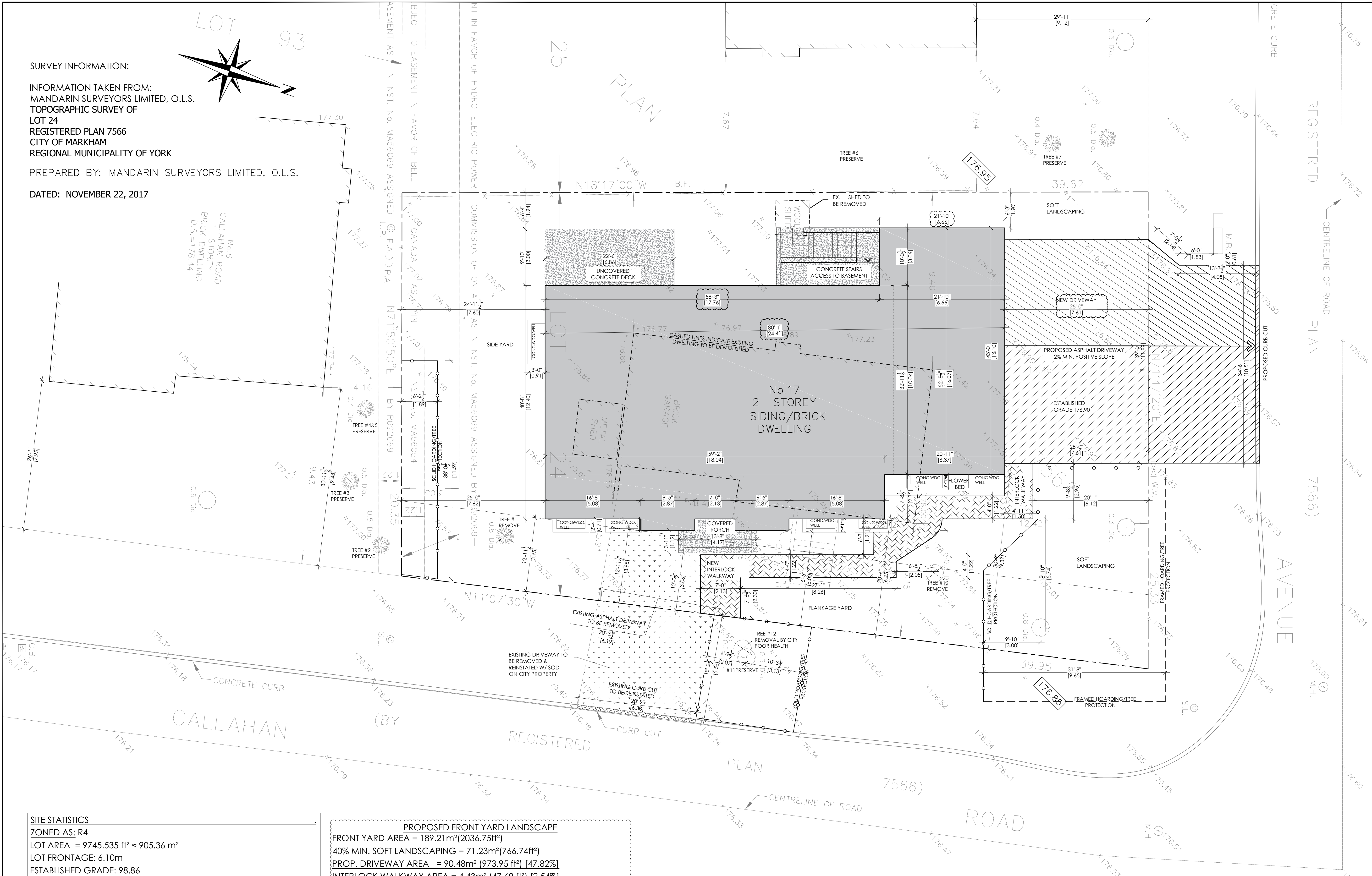
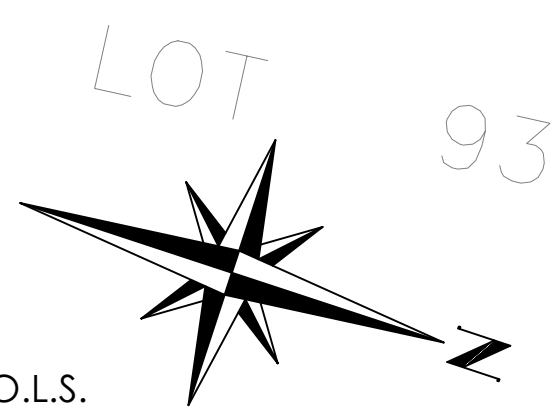
CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/063/20

SURVEY INFORMATION:
 INFORMATION TAKEN FROM:
 MANDARIN SURVEYORS LIMITED, O.L.S.
 TOPOGRAPHIC SURVEY OF
 LOT 24
 REGISTERED PLAN 7566
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 PREPARED BY: MANDARIN SURVEYORS LIMITED, O.L.S.
 DATED: NOVEMBER 22, 2017



SITE STATISTICS
 ZONED AS: R4
 LOT AREA = 9745.535 ft² ≈ 905.36 m²
 LOT FRONTAGE: 6.10m
 ESTABLISHED GRADE: 98.86

LOT COVERAGE
 33 1/3% MAX. ALLOWED COVERAGE = 301.756 m²
 PROP. HOUSE FOOTPRINT = 310.80 m² [34.33%]
 COVERED FRONT CONC. PORCH = 6.26 m² [0.69%]
 TOTAL PROPOSED COVERAGE = 317.06 m² [35.02%]

PROPOSED FRONT YARD LANDSCAPE
 FRONT YARD AREA = 189.21 m² [2036.75 ft²]
 40% MIN. SOFT LANDSCAPING = 71.23 m² [766.74 ft²]
 PROP. DRIVEWAY AREA = 90.48 m² [973.95 ft²] [47.82%]
 INTERLOCK WALKWAY AREA = 4.43 m² [47.69 ft²] [2.54%]
 TOTAL PROPOSED HARD SURFACE = 94.91 m² [1021.64 ft²] [50.16%]
 PROPOSED SOFT LANDSCAPE AREA = 94.30 m² [1015.07 ft²] [49.84%] OK

PROPOSED FLANKAGE YARD LANDSCAPE
 FLANKAGE AREA = 188.63 m²
 COVERED PORCH AREA = 6.27 m²
 INTERLOCK WALKWAY = 30.81 m² (331.61 ft²)
 TOTAL HARD SURFACE = 37.08 m² (399.14 ft²) [19.66%]
 PROPOSED SOFT LANDSCAPE AREA = 151.55 m² [80.34%] OK

PROPOSED SIDE YARD LANDSCAPE
 SIDE YARD AREA = 1,381.12 ft² ≈ 128.31 m²
 PROPOSED SOFT LANDSCAPE AREA = 1,381.12 ft² ≈ 128.31 m² [100%]

PROPOSED REAR YARD LANDSCAPE
 REAR YARD AREA = 1,140.59 ft² ≈ 105.96 m²
 DECK & STAIRS AREA = 407.02 ft² ≈ 37.81 m² [35.68%]
 PROPOSED SOFT LANDSCAPE AREA = 733.57 ft² ≈ 68.15 m² [64.31%]

PROPOSED GFA
 FIRST FLOOR AREA W/O GARAGE = 2,406.03 ft² ≈ 223.52 m²
 SECOND FLOOR AREA = 3345.53 ft² ≈ 310.80 m²
 -OPEN TO BELOW = 77.60 ft² ≈ 7.20 m²
 TOTAL GFA W/O GARAGE = 5674.06 ft² ≈ 527.12 m² [58.22%]

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1	BUILDING PERMIT SUBMISSION	18/6/18
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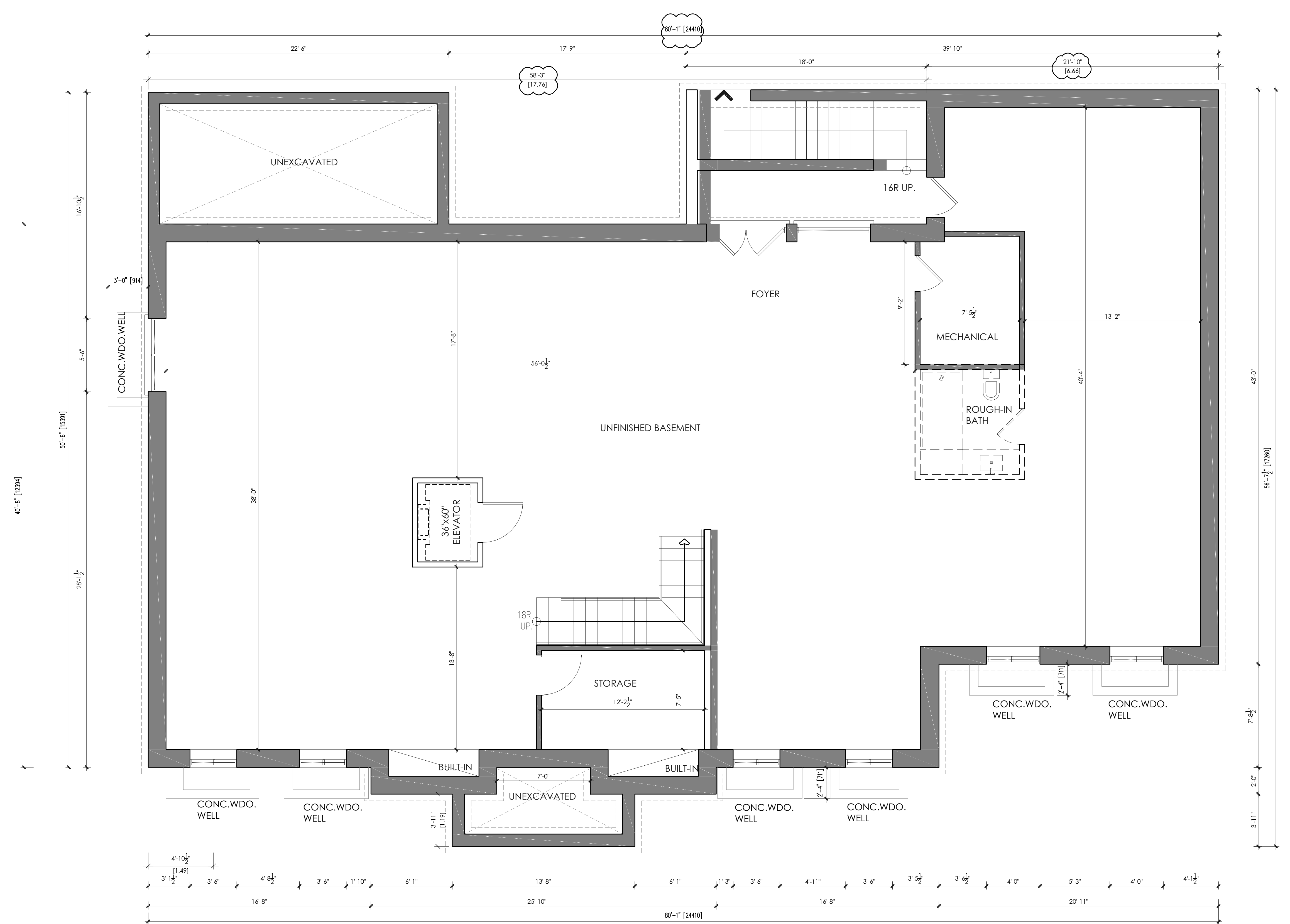
SEAL:
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QUALIFICATION INFORMATION
 Required unless design is exempt under 3.2.4.3.(5) Division C of the Ontario Building Code.
 MARN ZABZUNI SIGNATURE 4550 BCN
 NAME SIGNATURE
REGISTRATION INFORMATION
 Required unless design is exempt under 3.2.4.7. Division C of the Ontario Building Code.
 CONTEMPO STUDIO 46972 BCN
 FIRM NAME

PROJECT TITLE:
PROP. 2 STOREY DET. DWELLING
 AT
 NO. 8 CALLAHAN RD
 CITY OF MARKHAM

DRAWING TITLE:
SITE PLAN

DESIGNED BY:
 M.ZABZUNI
DRAWN BY:
 bm
CHECKED BY:
 M.Z.
SCALE:
 1/8" = 1'-0"
DATE:
 JAN 2020

PROJECT NO.:
2018-34
DRAWING:
A1



1 BASEMENT PLAN
 A-2 SCALE: 1/4" = 1'-0"

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SEAL:

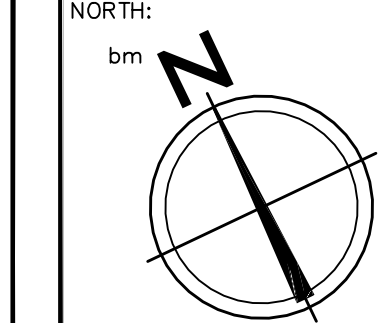
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 CONTEMPO STUDIO 46972 BCN
 FIRM NAME BCN

PROJECT TITLE:
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 DET. DWELLING**
 AT
 NO. 8 CALLAHAN RD
 CITY OF MARKHAM

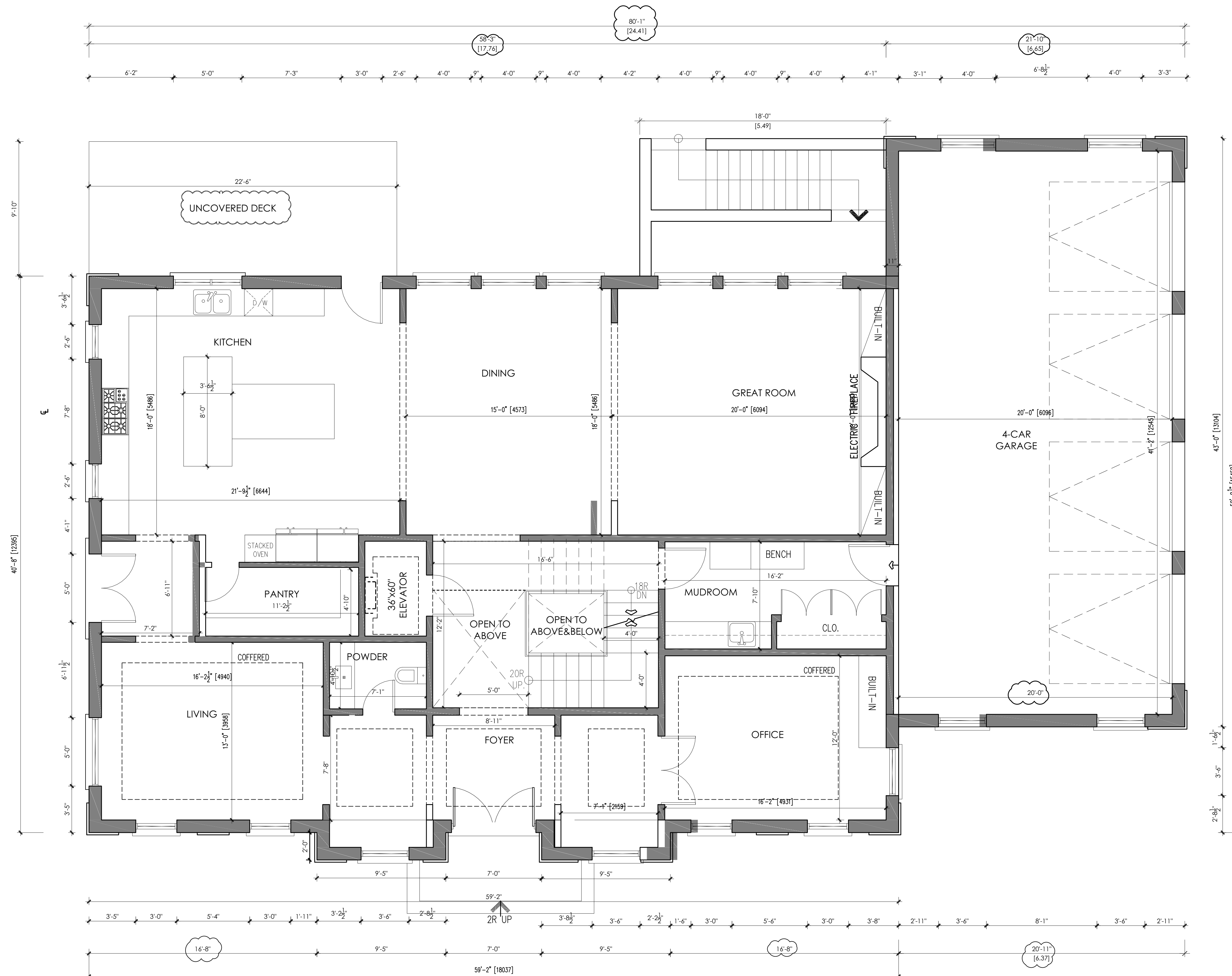
DRAWING TITLE:
BASEMENT PLAN

DESIGNED BY: M.ZABZUNI
DRAWN BY: bm
CHECKED BY: M.Z.
SCALE: AS NOTED
DATE: JAN 2020

PROJECT NO.: 2018-34
DRAWING: A2
REV. NO.:



PRELIMINARY TENDER CONSTRUCTION



1 FIRST FLOOR PLAN
A-3 SCALE : 1/4" = 1'-0"

FIRST FLOOR AREA W/O GARAGE = 2,447.96 FT² (227.416 m²)

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NAME: MARN ZABZUNI SIGNATURE: [Signature] BCN: 45250

REGISTRATION INFORMATION
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FIRM NAME: CONTEMPO STUDIO FIRM NO.: 46972 BCN: 6091

PROJECT TITLE:

**PROP. 2 STOREY
DET. DWELLING**
AT
NO. 8 CALLAHAN RD
CITY OF MARKHAM

DRAWING TITLE:

**FIRST FLOOR
PLAN**

DESIGNED BY:

NORTH: M.ZABZUNI

bm

DRAWN BY:

bm

CHECKED BY:

M.Z.

SCALE:

AS NOTED

DATE:

JAN 2020

PROJECT NO.:

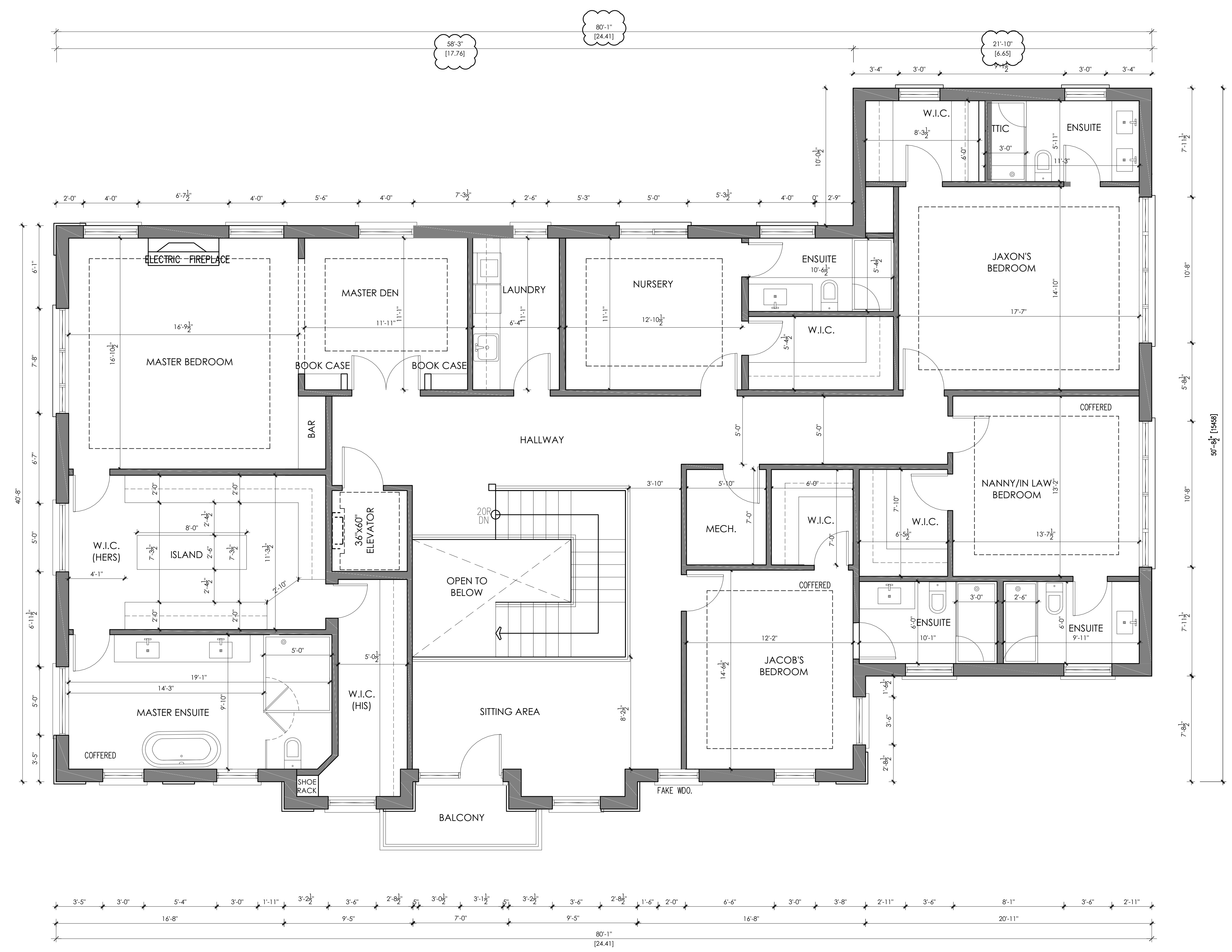
2018-34

DRAWING:

A3

REV. NO.:

0



1 SECOND FLOOR PLAN
 A-4 SCALE : 1/4" = 1'-0"

SECOND FLOOR AREA = 3120.56 ft² (289.90 m²)
 - OPEN TO BELOW = 193.62 ft² (17.987 m²)
 ACTUAL 2ND FLOOR AREA = 2926.94 ft² (271.91 m²)

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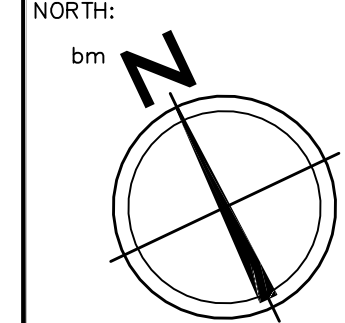
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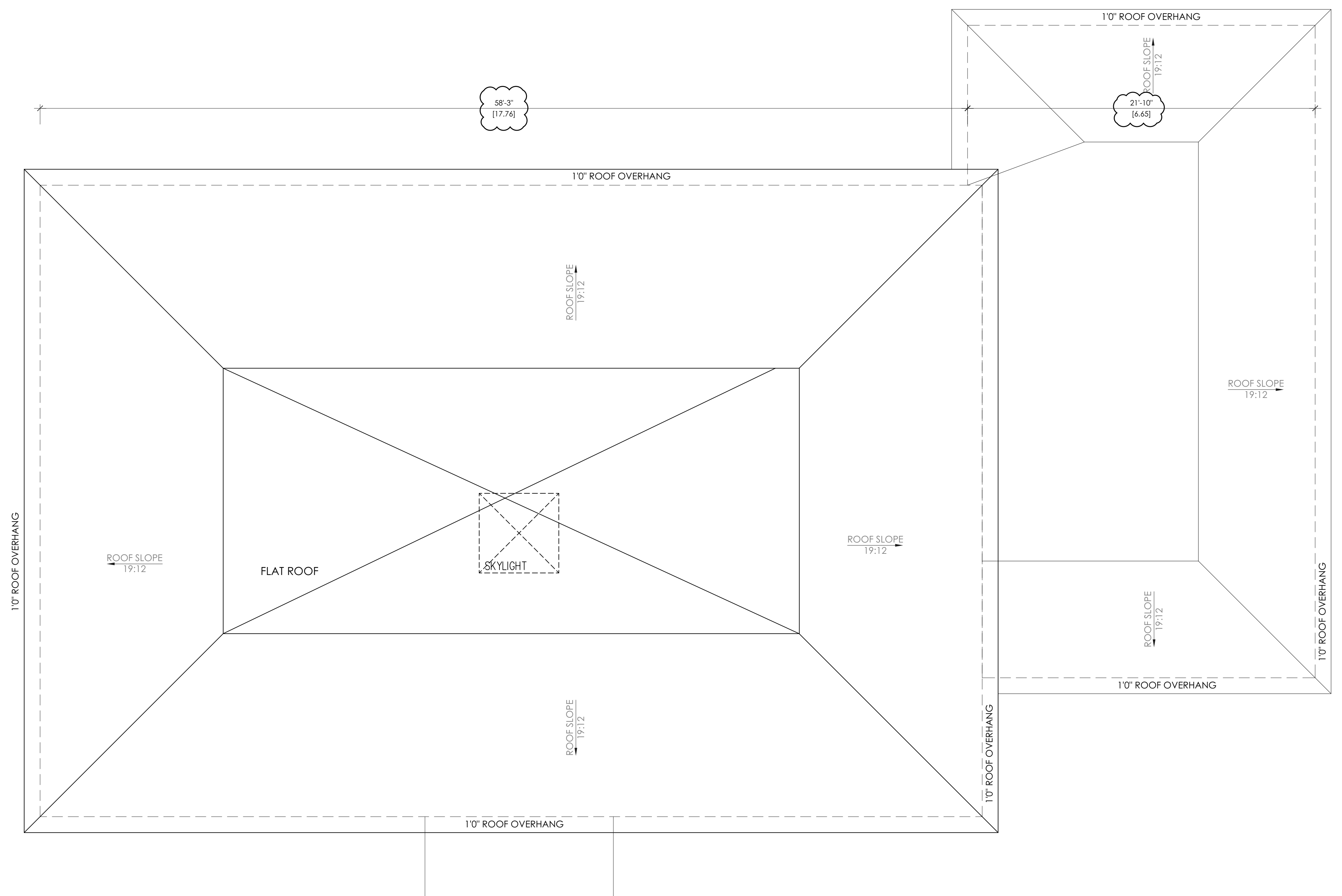
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 PROP. 2 STOREY
 DET. DWELLING
 AT
 NO. 8 CALLAHAN RD
 CITY OF MARKHAM

DRAWING TITLE:
 SECOND FLOOR
 PLAN

DESIGNED BY: M.ZABZUNI
DRAWN BY: bm
CHECKED BY: M.Z.
SCALE: AS NOTED
DATE: JAN 2020

PROJECT NO.: 2018-34
DRAWING: A4
REV. NO.:





1 ROOF PLAN
A-5 SCALE : 3/16" = 1'-0"

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INFO@CONTEMPOSTUDIO.CA
W. CONTEMPOSTUDIO.CA
T. (416) 836-1042
F. (416) 485-1042

SEAL:
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.
NAME: MARN ZABZUNI SIGNATURE: 45250 BCN
REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7. Division C of the Ontario Building Code.
CONTEMPO STUDIO: 46972 BCN
FIRM NAME: BCN

PROJECT TITLE:
**PROP. 2 STOREY
DET. DWELLING**
AT
NO.8 CALLAHAN RD
CITY OF MARKHAM

DRAWING TITLE:
**ROOF
PLAN**

DESIGNED BY: M.ZABZUNI
NORTH: bm
DRAWN BY: bm
CHECKED BY: M.Z.
SCALE: AS NOTED
DATE: JAN 2020

PRELIMINARY TENDER CONSTRUCTION
PROJECT NO.: 2018-34
DRAWING: A5
REV. NO.: 0



1 EAST ELEVATION
A-6 SCALE : 3/16" = 1'-0"



2 NORTH ELEVATION
A-6 SCALE : 3/16" = 1'-0"

NOTE: WINDOW MANUFACTURER TO PROVIDE SHOP DRAWINGS AND SPECIFICATIONS FOR APPROVAL PRIOR TO FABRICATION AND ORDER OF UNITS.

NOTE: CONTRACTOR TO VERIFY LOCATION OF ALL BEAMS AND COLUMNS BEFORE COMMENCING CONSTRUCTION

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GENERAL NOTES:

REVISIONS

NO.	ISSUED FOR:	DATE
1	BUILDING PERMIT SUBMISSION	18/6/18
2	COFA REVISED DRAWINGS	16/07/20

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NAME: MARN ZABZUNI SIGNATURE: [Signature] 4550 BCN

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

CONTEMPO STUDIO 46972 BCN
FIRM NAME

PROJECT TITLE:

**PROP. 2 STOREY
DET. DWELLING**
AT
NO.8 CALLAHAN RD
CITY OF MARKHAM

DRAWING TITLE:

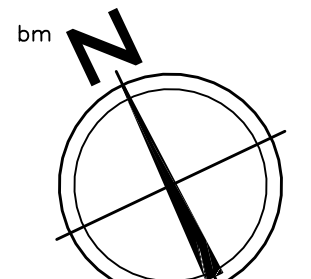
ELEVATIONS

DESIGNED BY:

M.ZABZUNI

NORTH:

bm



DRAWN BY:

bm

CHECKED BY:

M.Z.

SCALE:

AS NOTED

DATE:

JAN 2020

PRELIMINARY TENDER CONSTRUCTION

PROJECT NO.: 2018-34 **DRAWING:** A6

REV. NO.: 0



NOTE: WINDOW MANUFACTURER TO PROVIDE SHOP DRAWINGS AND SPECIFICATIONS FOR APPROVAL PRIOR TO FABRICATION AND ORDER OF UNITS.

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GENERAL NOTES:

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

FIRM NAME: CONTEMPO STUDIO 46972 BCN

PROJECT TITLE:

**PROP. 2 STOREY
 DET. DWELLING**
 AT
 NO.8 CALLAHAN RD
 CITY OF MARKHAM

DRAWING TITLE:

ELEVATIONS

DESIGNED BY:

M.ZABZUNI

DRAWN BY:

bm

CHECKED BY:

M.Z.

SCALE:

AS NOTED

DATE:

JAN 2020

PROJECT NO.:

2018-34

DRAWING:

A7

REV. NO.:

0

