

Memorandum to the City of Markham Committee of Adjustment

November 28, 2019

File: A/129/19
Address: 8 Rycroft Dr – Markham, ON
Applicant: Ming-Fang Kuan & Karen Fonyee Lee
Agent: Brutto Consulting
Hearing Date: Wednesday December 11, 2019

The Central Team provides the following comments. The Applicant requests relief from the following requirements of the R4 Zone - "Fourth Density Single Family Residential Zone", under By-law 11-72, as amended, as it relates to a single detached two-storey dwelling (collectively referred to as "the proposed variances"):

- a) **Section 6, Schedule B:**
a maximum lot coverage of 35.95 %, whereas the by-law permits 33.33 %; and
- b) **Section 6, Schedule B:**
a minimum sideyard setback of 1.22 m (4 ft) along the south property line, whereas the by-law permits 1.83 m (6 ft).

BACKGROUND

Property Description

The 696.77 m² (7,499.97 ft²) subject property is located at the southwest corner of Rycroft Drive and Worsley Court, which is generally south of Kreighoff Avenue and north of Sciberras Road (the "subject property"). The existing mature vegetation exists across the property and includes various mature trees in the rear yard and along Worsley Court and Rycroft Drive.

The subject property was previously located within a regulated floodplain area of the Toronto and Region Conservation Authority (the "TRCA"). The TRCA recently updated their floodplain modelling for the Unionville area and based on their review, the TRCA regulated floodplain area no longer affects the subject property.

The surrounding area, characterized as an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings, is undergoing a transition with newer infill dwellings.

Proposal

The Applicant proposes to demolish the existing one-storey single detached dwelling and construct a new single detached two-storey dwelling (the "proposed development") and requests the proposed variances.

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 permits low-rise housing forms, including single detached dwellings. The Official Plan policies outline the development criteria for the 'Residential – Low Rise' designation respecting height, massing, and setbacks. The development criteria further ensures appropriate development for the subject property and general consistency with the zoning

requirements for the adjacent properties and the properties along the same street. In considering minor variance applications for development approval in a 'Residential Low Rise' area, the proposed development is required to meet the general intent of the 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.

Staff are of the opinion that the proposed development meets the general intent and policies of the Official Plan for Residential – Low Rise areas.

Zoning By-Law 11-72

The subject property is zoned R4 Zone - "Fourth Density Single Family Residential Zone" under By-law 11-72, as amended, which permits one single detached dwelling per lot. The proposed development neither complies with the minimum interior side yard setback for a two-storey dwelling nor the maximum lot coverage requirements.

Varley Village Infill Area

The subject property is within an area of the City that experiences the trend to build larger dwellings on existing lots. In response to concerns within this trend, a number of residents asked that the City 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.

Tree Preservation By-law 2008-96 and 2008-97

Various mature trees currently exist across the property, and within the neighbouring rear yard to the south. City Staff approved a Tree Preservation Plan and Arborist Report (April 2, 2019) submitted by the Applicant that recommended the removal of two trees in the rear yard of the subject property.

In efforts to protect and preserve the root system of the tree located on the neighbouring property at 116 Fred Varley Drive, operations staff provided comments related to the use of helical piers as appropriate deck building materials, which would minimize the impact to the tree protection zone and root system of the neighbouring tree. Should the Committee approve this application, staff recommend that the approval be subject to the related tree preservation and protection conditions provided in Appendix "A", in accordance with the City's Tree By-laws.

Applicant's Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with the zoning by-law is because:

"the lot coverage increased 2.62% from the allowable maximum lot coverage provided in the by-law due to the owner requiring a third garage. The increase of 2.62% is reflective of the space required for one car; and

the property is a corner lot, where the minimum exterior setback being proposed is 12 ft 5 in, in order to get a functional design. A reduction of 2 ft is proposed from the 6 ft requirement for the two-storey portion of the dwelling being proposed. The

minimum setback requirement for a one storey (portion of) the dwelling is already 4 ft in the zoning.”

Zoning Preliminary Review (“ZPR”) Not Undertaken

The Applicant confirmed that a ZPR has not been conducted. 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 Lot Coverage

The Applicant requests relief for a maximum lot coverage of 35.95 %, whereas the By-law permits a maximum lot coverage of 33.33 %, an increase of 2.62 %. The proposed lot coverage includes a third garage area, which adds approximately 19.2 m² (206.7 ft²) to the overall building area. Without the addition of the third garage, the proposed development would consist of a lot coverage of 33.2 %, which would comply with the by-law requirement.

Staff are of the opinion that the proposed increase in lot coverage does not significantly add to the scale and massing of the dwelling and the resultant dwelling is generally consistent with newer infill development within the surrounding area.

Reduced Side Yard Setback (two-storey portion)

The Applicant requests a minimum side yard setback of 1.22 m (4 ft) along the south property line for the proposed two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 1.83 m (6 ft) for two-storey portions.

The first floor complies with the minimum side yard setback requirement of 1.22m (4 ft) for the one storey portion of the dwelling. Engineering staff have reviewed the proposed development and have no concern with the proposed variance as it relates to drainage. Being a corner lot, the subject property is located north of a one-storey dwelling, and the requested relief to reduce the setback to 1.22 m (4 ft) for the second storey is considered to be appropriate and compatible with the overall neighbourhood character.

TRCA Comments

The entire subject property was previously located within TRCA’s Regulated Area. TRCA provided comments on November 28, 2019. The comments indicate that the

TRCA has recently updated the floodplain modelling for the Unionville area, and based on a review of the data, the TRCA regulatory floodplain area no longer impacts the subject property.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 29, 2019. 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 proposed development 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.

APPENDICES

Appendix "A" – Conditions List

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



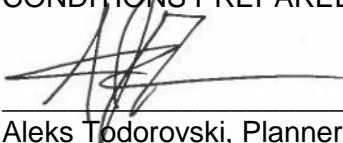
Stephen Lue, Development Manager, Central District

File Path: Amanda\File\ 19 139941 \Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/129/19

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 plans attached as 'Appendix B' to this Staff Report and received by the City of Markham on November 8, 2019, 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 owner implement and maintain all of the works required in accordance with the conditions of this variance;
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;
7. That the backyard wooden deck be made with wood and on helical piers to reduce the impact to the neighbour's Norway maple's minimum tree protection zone, 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;
8. That the Applicant satisfies the requirements of the Toronto and Region Conservation Authority ("TRCA"), financial or otherwise, as indicated in their letter to the Secretary-Treasurer, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of TRCA.

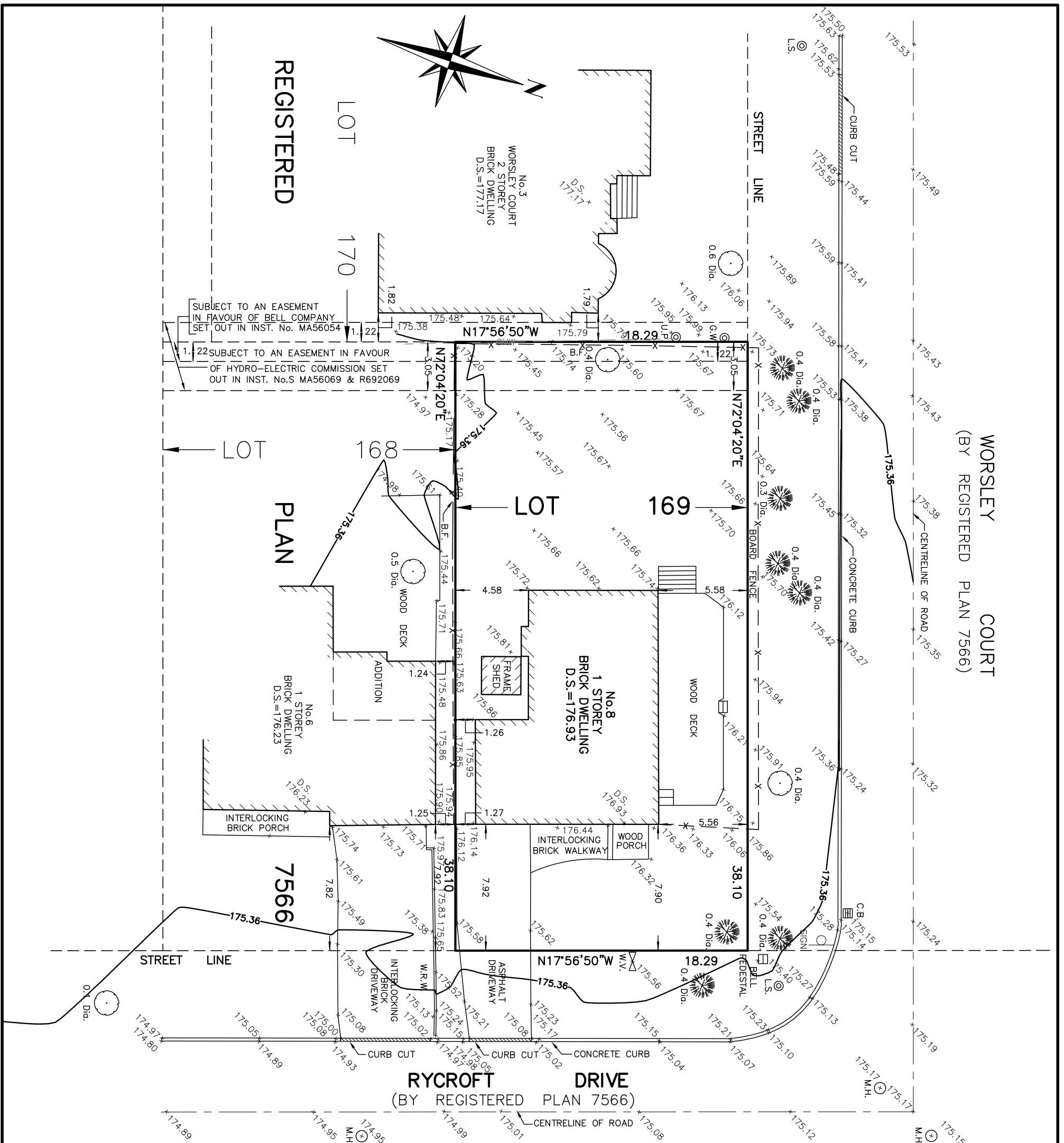
CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/129/19

WORSLEY COURT
(BY REGISTERED PLAN 7566)



TOPOGRAPHIC SURVEY OF
LOT 169
REGISTERED PLAN 7566
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

SCALE 1:250



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

- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
- N.S./E.W DENOTES NORTH, SOUTH, EAST, WEST
- B.F. DENOTES BOARD FENCE
- OHW DENOTES OVERHEAD WIRES
- G.W. DENOTES GUY WIRES
- WRW DENOTES WOOD RETAINING WALL
- U.P. DENOTES UTILITY POLE
- L.S. DENOTES LIGHT STANDARD
- M.W.V. DENOTES WATER VALVE
- M.H. DENOTES MAN HOLE
- C.B. DENOTES CATCH BASIN
- DENOTES CONIFEROUS TREE
- DENOTES DECIDUOUS TREE

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No.092023032, HAVING AN ELEVATION OF 175.290 M. BRASS CAP SET IN CONCRETE SIDEWALK 6M SOUTH OF THE CENTRELINE OF FRED VARLEY DRIVE AND 9M WEST OF THE CENTRELINE OF SCIBERRAS ROAD

CERTIFICATE

THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN WERE COMPLETED ON THE 31st DAY OF JANUARY, 2018

NOVEMBER 7, 2019

DATE

Z. Zeng
Z. ZENG
ONTARIO LAND SURVEYOR

CAUTION

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



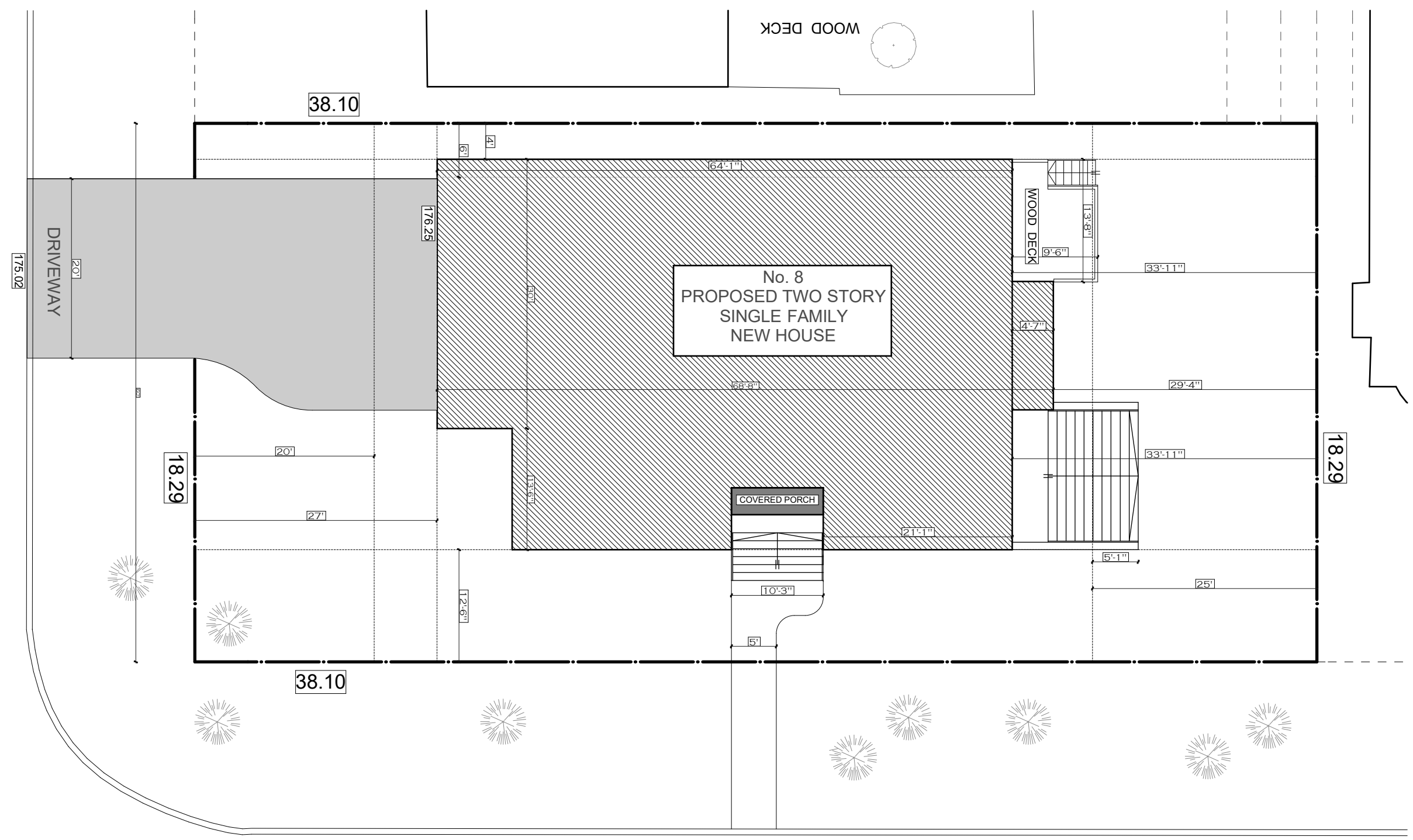
MANDARIN SURVEYORS LIMITED
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR
WWW.MANDARINSURVEYOR.COM
2400 MIDLAND AVENUE #121 PHONE: (647)430-1366 FAX: (647)799-4068
TORONTO, ONTARIO, M1S 1X7 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: S.Z.

CAD No: 18-017TP

JOB No: 2018-017

RYCROFT DRIVE



WORSLEY COURT

LOT AREA: 696.77 M ²		LOT COVERAGE: 250.50 M ²				
GFA	GR FLOOR EXCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL GFA NOT INCLUDING CELLAR	%
TOTAL	2076FT ² /192.87 M ²	2622FT ² /243.59 M ²	2159FT ² /200.58 M ²	610 FT ² /56.67M ²	4698FT ² /436.46 M ²	35.95%

DATE:	ISSUED FOR:
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ECO-REVIVAL Consulting Ltd.

5 Anvil Millway
 Toronto, ON. M2L 1P9
 Tel: 416 428-5858

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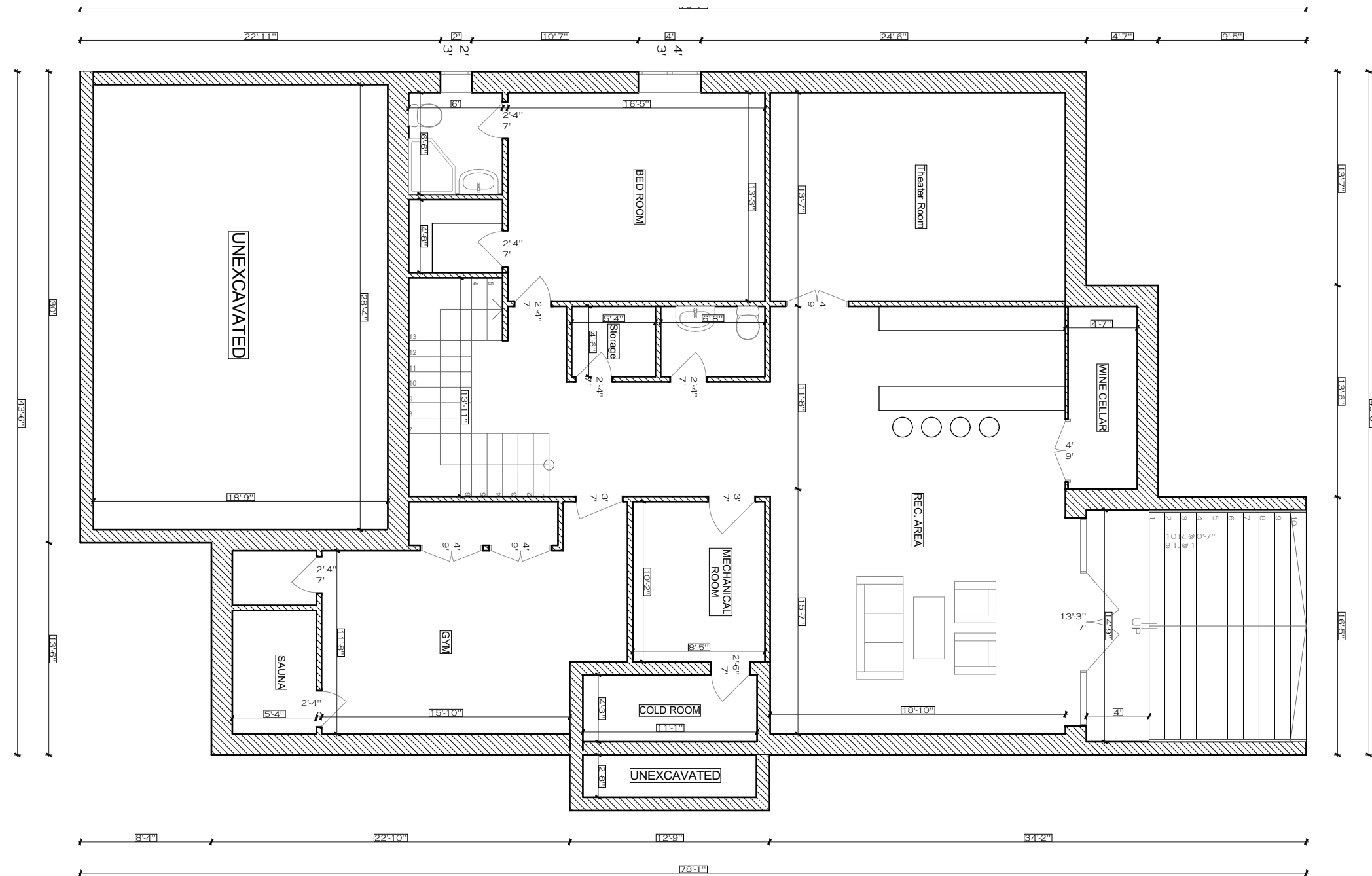
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 SITE PLAN

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 8 RYCROFT DRIVE, MARKHAM, ON

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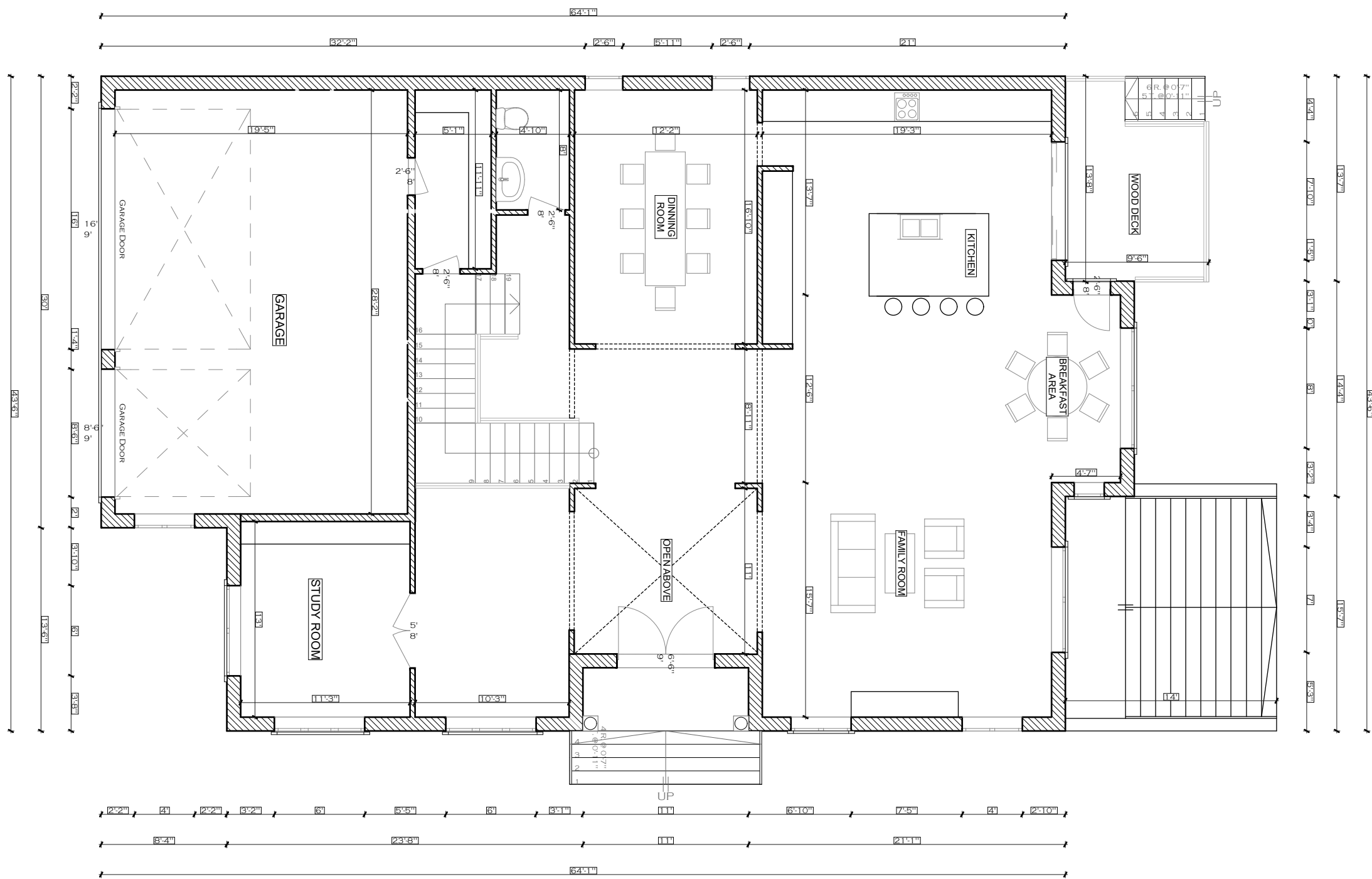
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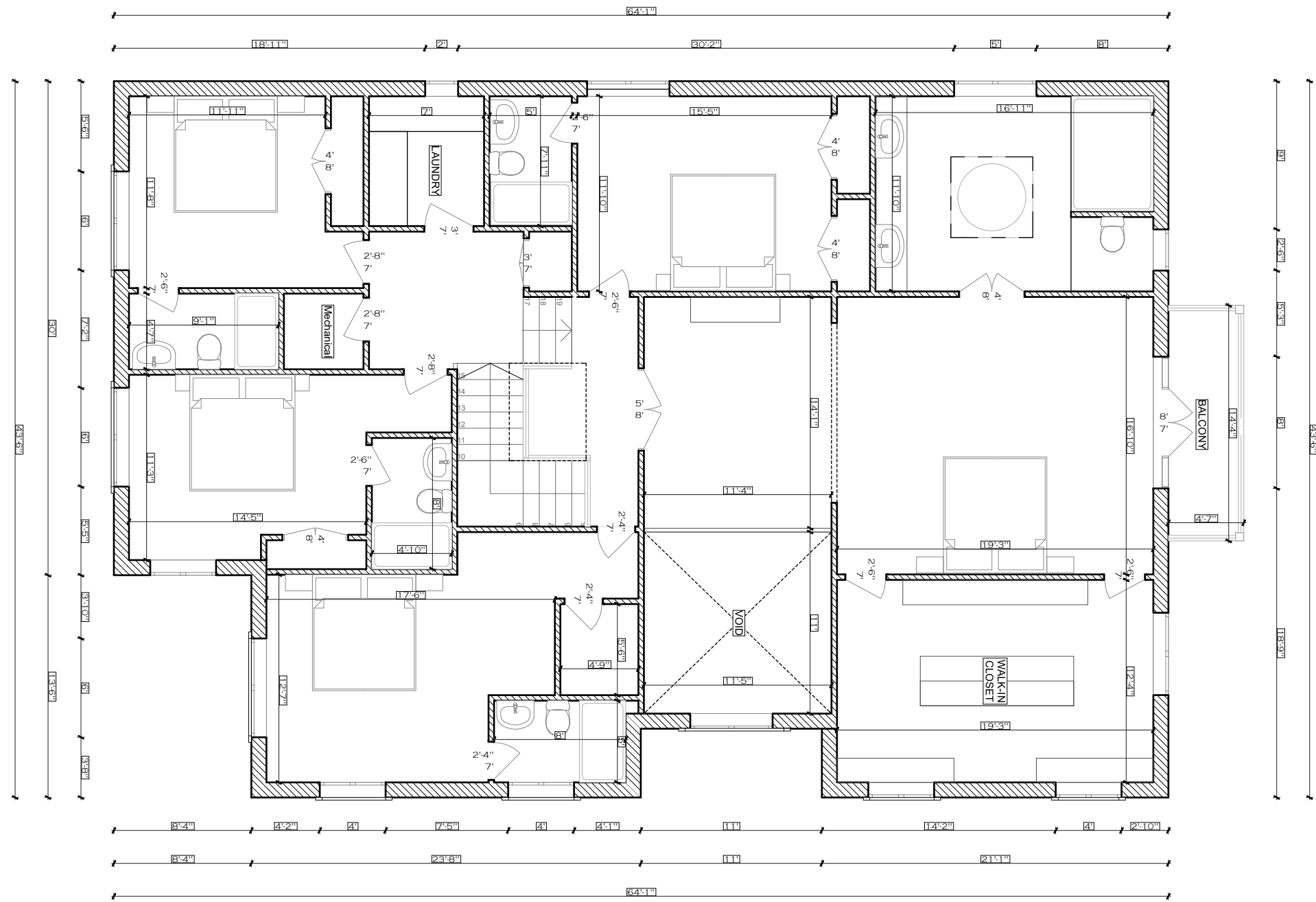
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ARCHITECTS
 VIRGILIU PETRE
 LICENCE 6449

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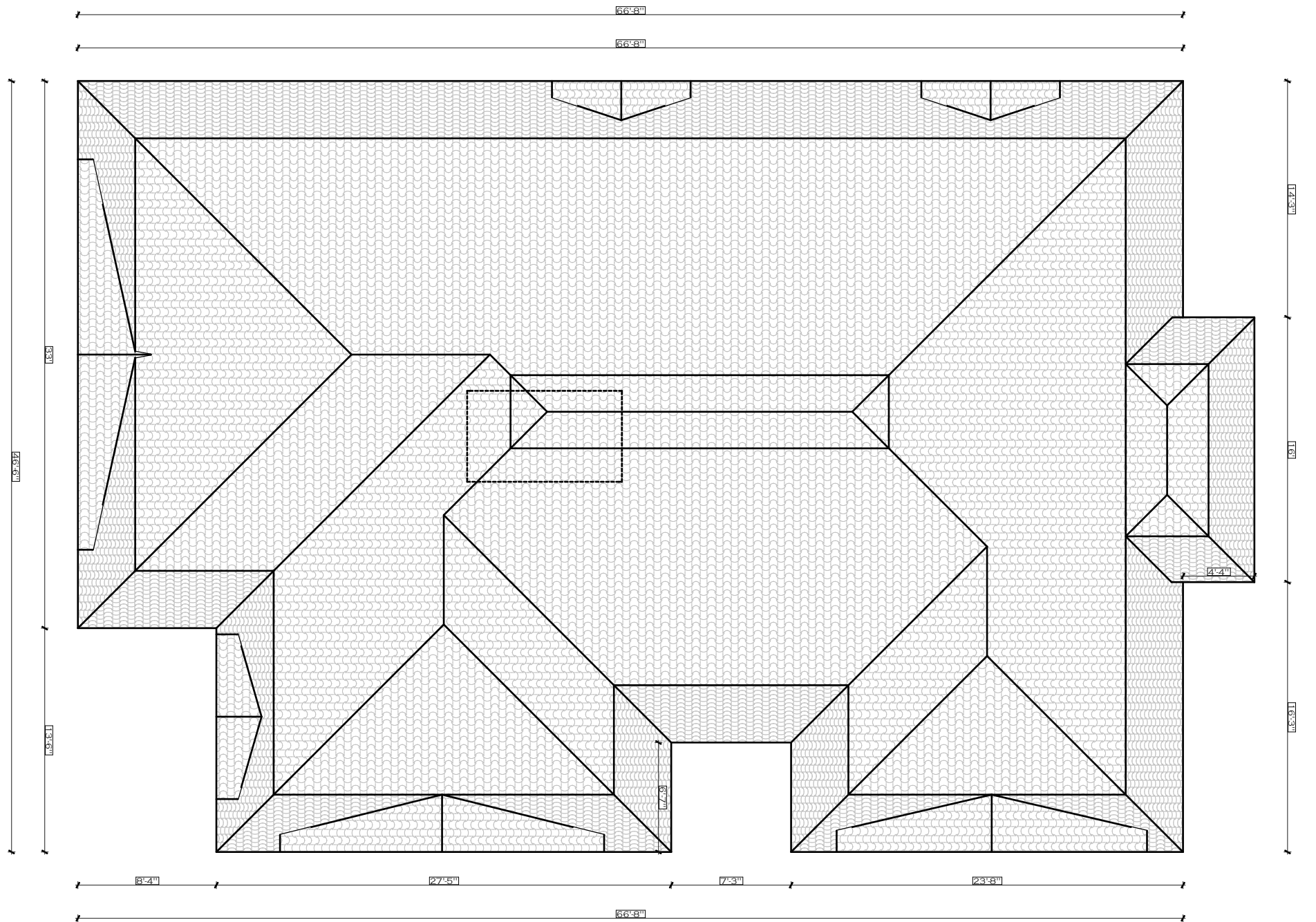
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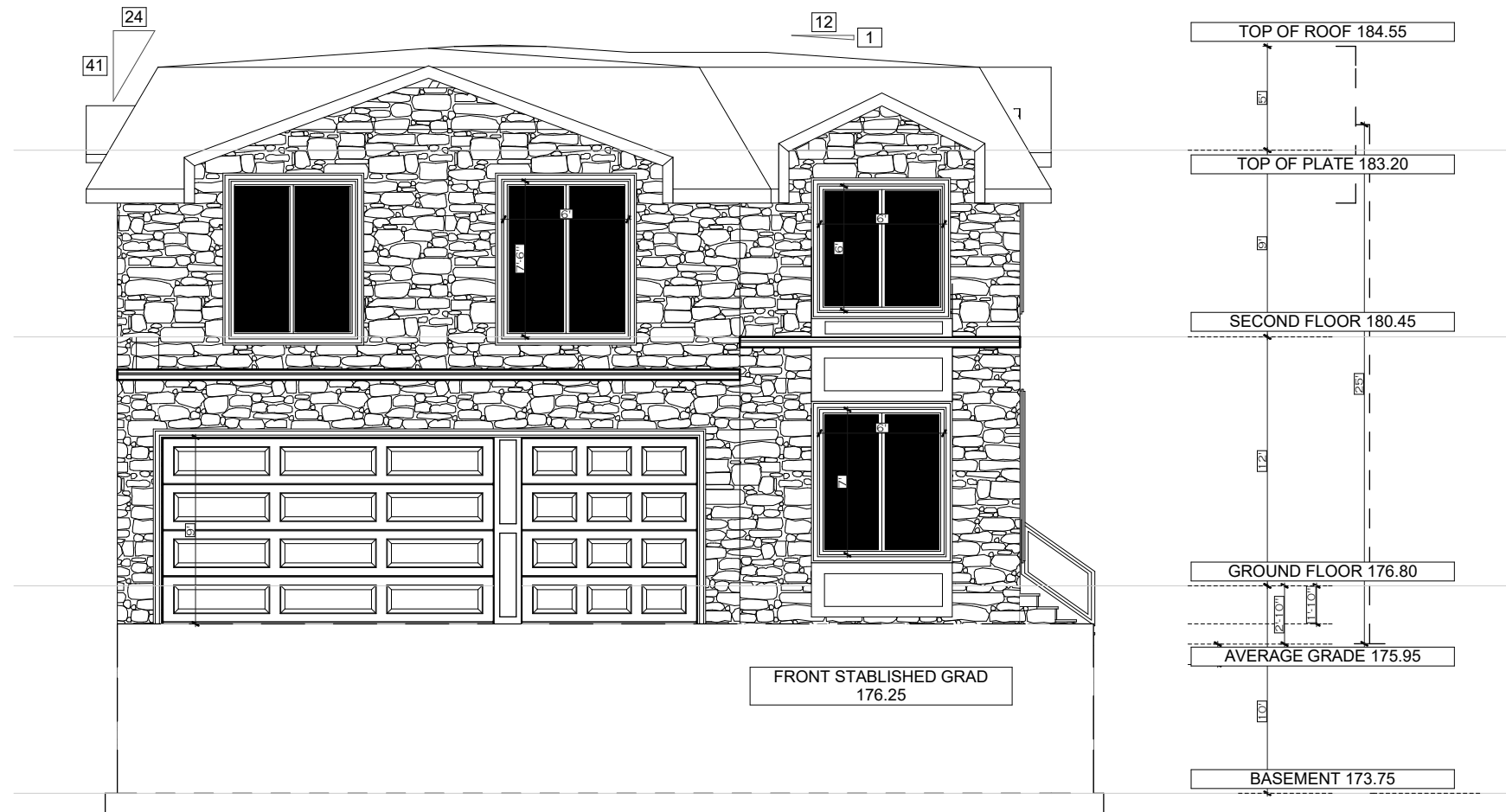


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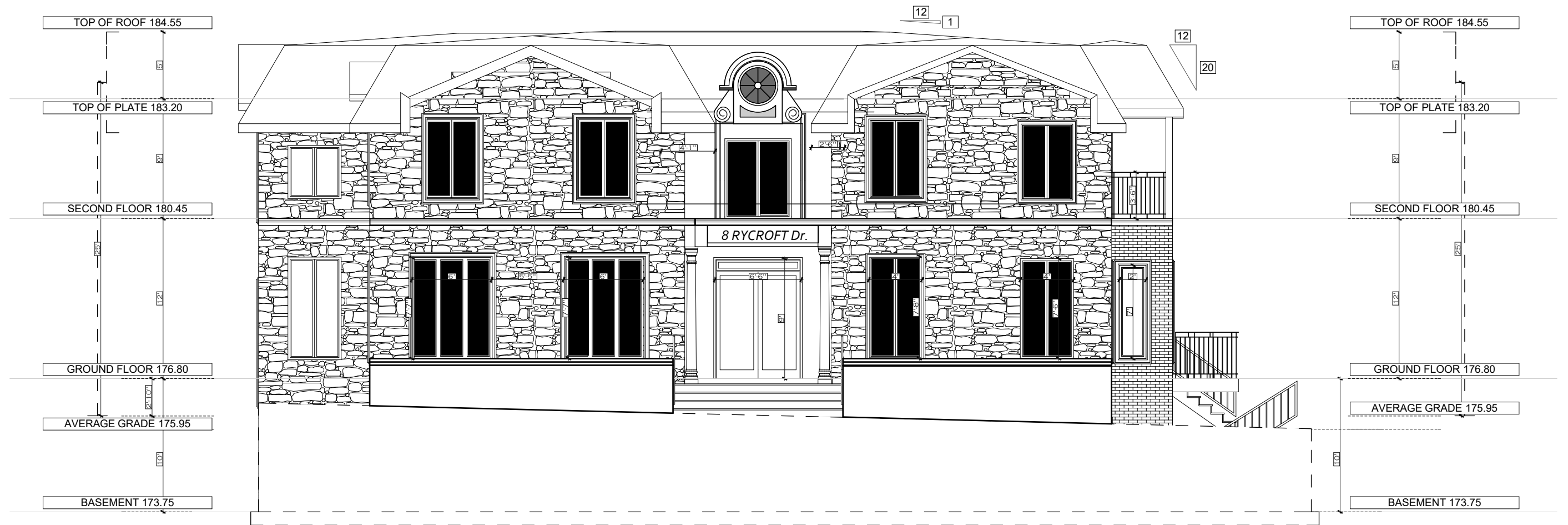
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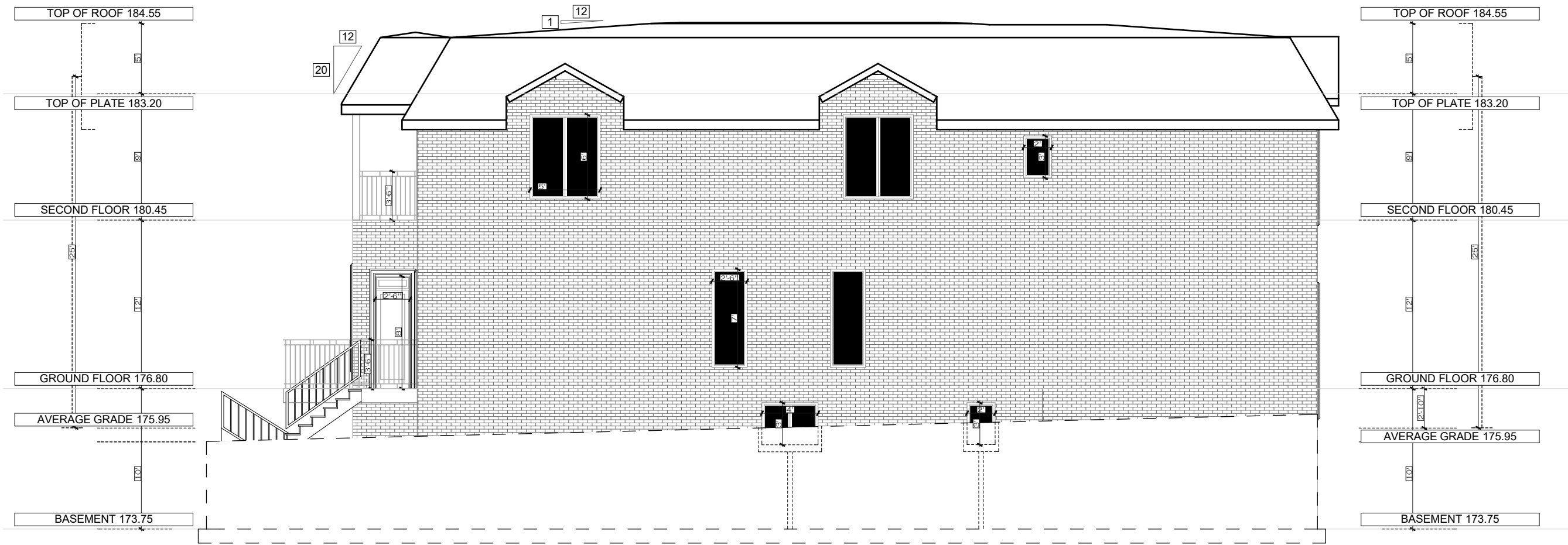


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