

# Memorandum to the City of Markham Committee of Adjustment

February 11, 2019

**File:** A/148/19  
**Address:** 42 Fonthill Blvd – Markham, ON  
**Applicant:** Qi Hang  
**Agent:** In Roads Consultants  
**Hearing Date:** Wednesday January 22, 2020

The following comments are provided on behalf of the Central Team. The Applicant requests relief from the following requirements of the “Fourth Density Single Family Residential – R4 Zone” under By-law 11-72, as amended, as it relates to a proposed two-storey single detached dwelling (the proposed development):

**a) Section 6:**

To permit a maximum building height of 8.13 m (26 ft 8 in), whereas the By-law permits a maximum of 7.62 m (25 ft);

**b) Section 6:**

To permit a maximum lot coverage of 37.33%, whereas the By-law permits a maximum of 33.33%;

**c) Section 3.7:**

To permit a covered porch to project 0.61 m (2 ft) into the required front yard.

## BACKGROUND

### Property Description

The 737.91 m<sup>2</sup> (7,942.81 ft<sup>2</sup>) subject property is located on the north side of Fonthill Boulevard, east of Village Parkway and west of Main Street Unionville. Currently existing on the subject property is a two-storey dwelling with a swimming pool located in the rear yard.

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 undergoing a transition with newer dwellings being developed as infill developments. Mature trees and vegetation exist across the property.

### Proposal

The Applicant proposes to demolish the existing single detached two-storey dwelling, and to construct a two-storey single detached dwelling (the proposed development).

### 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 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 criterion 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 Zone” under By-law 11-72, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the requirements for maximum height, maximum lot coverage, and maximum front yard encroachment.

#### 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 within this trend, a number of residents asked that Markham 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.

#### **Applicant’s Stated Reason for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is,

*“to construct a dwelling comparable to others within the area.”*

#### **Zoning Preliminary Review (ZPR) Undertaken**

The Applicant completed a ZPR on October 17, 2019, 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

#### **Increase in Maximum Building Height**

The Applicant initially requested a variance to permit a maximum building height of 8.53 m (28 ft). The City received revised drawings on February 11, 2020, proposing a reduced maximum building height of 8.13 m (26 ft 8 in), whereas the By-law permits a maximum building height of 7.62 m (25 ft). This represents an increase of 0.51 m (1 ft 8 in) from the By-law.

The proposed height is generally consistent with heights of other infill developments along Fonthill Boulevard, and reflects the low-rise character of the dwellings within the

surrounding area. Staff are of the opinion that the revised height is more appropriate for the proposed development, given the requested lot coverage.

### **Increase in Maximum Lot Coverage**

Lot coverage is the percentage of the land or lot area covered by buildings, including any covered porch or terrace, and any accessory structures. The Applicant requests relief for a maximum lot coverage of 37.33% (275.46 m<sup>2</sup>), whereas the By-law permits 33.33% (245.95 m<sup>2</sup>). The proposed lot coverage includes the front covered porch which adds approximately 6.13 m<sup>2</sup> (66 ft<sup>2</sup>) to the overall building area. Excluding the front covered porch, the building with the proposed addition has a lot coverage of 36.50% (269.33 m<sup>2</sup>).

Staff are of the opinion that the proposed increase in lot coverage will not adversely impact the character of the street, which has seen an increase in maximum lot coverage as part of the recent infill development trend. The requested relief is consistent with other variance approvals within the surrounding area and along the street with respect to relief from lot coverage requirements.

### **Increase in Maximum Permitted Front Yard Encroachment**

The Applicant requests a maximum encroachment of 0.61 m (2 ft) into the required front yard for the covered porch, whereas the By-law requires that,

*“every part of any required yard shall be open, and unobstructed from the ground to the sky by any structure except for sills, belt courses, cornices, eaves or gutters which may project no more than eighteen inches into any required yard, and except for an uncovered platform which may project no more than five (5 ft) into a front or rear yard only.”*

The front covered porch is an unenclosed projection of the front building line with minimal impact to the streetscape. Staff do not have any concerns with the variance, provided that the covered porch is unenclosed. Staff recommend that the Committee adopt the conditions provided in Appendix “A”, which requires that the porch remains unenclosed, should the variances be approved.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of February 11, 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 zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

### **APPENDICES**

Appendix “A” – Conditions List

Appendix “B” – Plans

**PREPARED BY:**



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Aleks Todorovski, Planner, Zoning and Special Projects

**REVIEWED BY:**



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Stephen Lue, Development Manager, Central District

File Path: Amanda\File\ 19 141144 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/148/19**

1. The variances apply only to the proposed development 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 received by the City of Markham on February 10, 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. 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.
4. 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.
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 the front covered porch remain unenclosed.

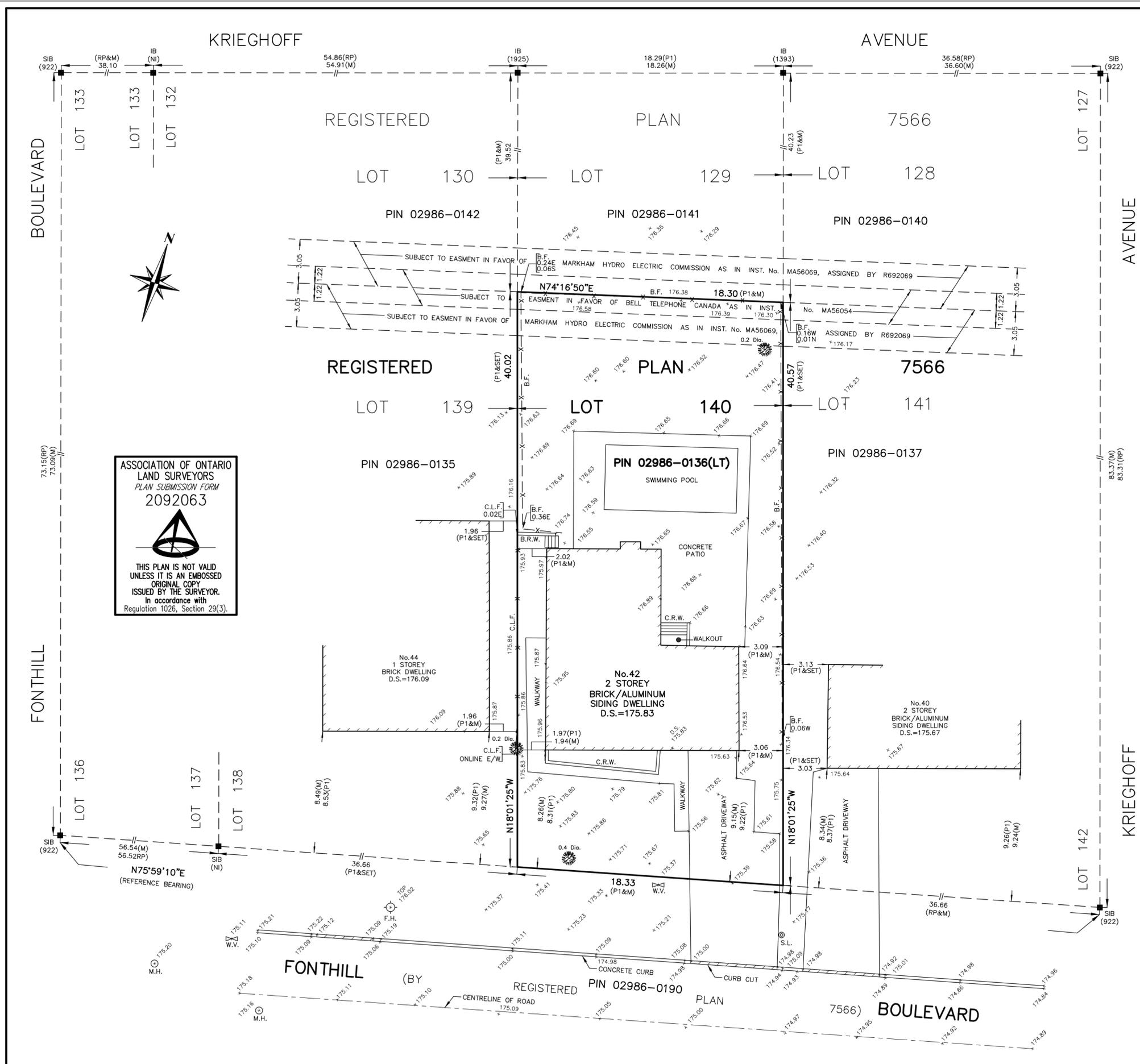
CONDITIONS PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/148/19**



ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2092063

THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR.  
In accordance with  
Regulation 1026, Section 29(3).

**SURVEYOR'S REAL PROPERTY REPORT**  
PART 1 - PLAN OF  
**LOT 140**  
**REGISTERED PLAN 7566**  
**CITY OF MARKHAM**  
**REGIONAL MUNICIPALITY OF YORK**

SCALE 1:200  
0m 5 0 10 METRES

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**
- DENOTES MONUMENT SET
  - DENOTES MONUMENT FOUND
  - SIB DENOTES STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - P1 DENOTES PLAN OF SURVEY BY N. W. MOYLES, O.L.S.  
DATE FEBRUARY 28, 1966
  - RP DENOTES REGISTERED PLAN 7566
  - 1393 DENOTES TOM DRZIC, O.L.S.
  - 922 DENOTES FRED SCHAEFFER, O.L.S.
  - 1925 DENOTES MANDARIN SURVEYORS LTD., O.L.S.
  - PIN DENOTES PROPERTY IDENTIFIER NUMBER
  - M DENOTES MEASURED
  - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
  - B.F. DENOTES BOARD FENCE
  - C.L.F. DENOTES CHAIN LINK FENCE
  - B.R.W. DENOTES BRICK RETAINING WALL
  - C.R.W. DENOTES CONCRETE RETAINING WALL
  - NI DENOTES NOT IDENTIFIABLE
  - D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
  - F.H. DENOTES FIRE HYDRANT
  - M.H. DENOTES MANHOLE
  - S.L. DENOTES STREET LAMP
  - W.V. DENOTES WATER VALVE
  - C.B. DENOTES CATCH BASIN
  - DENOTES CONIFEROUS TREE
  - DENOTES DECIDUOUS TREE

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.  
BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE  
NORTHERLY OF FONTHILL BOULEVARD AS SHOWN ON REGISTERED PLAN 7566  
HAVING A BEARING OF N75° 59' 10"E.

**BENCHMARK NOTE**  
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY  
OF MARKHAM BENCHMARK No.M-21-033, HAVING AN ELEVATION OF 173.536  
METRES, BRASS TABLET SET HORIZONTALLY IN FRONT SIDE OF CULVERT  
HEADWALL. TABLET IS LOCATED 0.20 M BELOW TOP OF HEADWALL, 1.1M  
NORTH OF SOUTH EDGE OF HEADWALL, 5.2 M EAST OF CHAIN LINK FENCE,  
10.5 M SOUTH OF THE EDGE OF THE SIDEWALK, 110.0 M WEST OF MAIN STREET  
UNIONVILLE AND SOUTH OF FRED VARLEY DRIVE.

THIS REPORT WAS PREPARED FOR NING, TEDDY AND THE UNDERSIGNED  
ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

**PART 2 (SURVEY REPORT)**

- REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: SUBJECT TO EASEMENT IN FAVOR OF BELL CANADA AS SET OUT IN INST. No. MA56054; SUBJECT TO EASEMENT IN FAVOR OF MARKHAM HYDRO ELECTRIC COMMISSION AS SET OUT IN INST. No. MA56069 ASSIGNED BY R692069.
- ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND THE NORTHERLY, EASTERLY AND WESTERLY LIMITS OF THE SUBJECT PROPERTY.
- THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 19th DAY OF JULY, 2019

AUGUST 02, 2019  
DATE

Z. ZENG  
ONTARIO LAND SURVEYOR

**MANDARIN SURVEYORS LIMITED**  
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR  
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SURVEY BY: S.Z. CAD No: 19-224SRPR JOB No: 2019-224

















