

## Memorandum to the City of Markham Committee of Adjustment

January 24, 2020

**File:** A/157/19  
**Address:** 57 Laureleaf Rd – Markham (Thornhill), ON  
**Applicant:** Chiu Chung Lung & Fung Lin Lung  
**Agent:** TAES Architects Inc.  
**Hearing Date:** Wednesday February 05, 2020

The following comments are provided on behalf of the West Team. The Applicant is requesting relief from the following requirements of By-law 1767, Third Density Special Residential (SR3) Zone, as amended, as it relates to a proposed two storey detached dwelling to permit:

- a) **Section 15(i)(c) - Front Yard Setback:**  
A minimum front yard setback of 25 ft. 3 in (7.7 m), whereas the By-law permits a minimum front yard setback of 30 ft (9.14 m);
- b) **Section 15(i)(e) - Rear Yard Setback:**  
A minimum rear yard setback of 10 ft. 1 in (3.07 m), whereas the By-law requires a minimum rear yard setback of 40 ft (12.19 m);
- c) **Infill By-law 100-90, Section 1.2(i) - Building Height:**  
A maximum building height of 10.60 m (34.78 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft); and
- d) **Infill By-law 100-90, Section 1.2(iii) - Building Depth:**  
A maximum building depth of 33.38 m (109.51 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft).

### BACKGROUND

#### Property Description

The 1,485.66 m<sup>2</sup> (15,991.51 ft<sup>2</sup>) subject property is a corner lot located on the east side of Laureleaf Road, north of Steeles Avenue, east of Bayview Avenue and southwest of the Metrolinx Railway Corridor. A two storey single detached dwelling currently exists on the property.

The 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 development. Several mature trees exist on the property.

#### Proposal

The Applicant is proposing to demolish the existing two storey detached dwelling, and construct a new two storey single detached dwelling. As proposed, the front yard and rear yard setbacks do not meet the minimum requirement of the By-law. The Applicant is also proposing a building height and building depth that exceed the maximum requirements of the Infill By-law 100-90, as amended.

### **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 size of new lots within a residential neighbourhood.

The property is also subject to the Area and Site Specific Policies of the Official Plan for Thornhill. The intent of these policies is to ensure infill development respects and reflects the existing pattern and character of adjacent development by limiting the size and massing of new dwellings.

### Zoning By-Law 1767

The subject property is zoned "Third Density Special Residential (SR3) Zone" under By-law 1767, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law requirements with respect to front and rear yard setbacks.

### Residential Infill Zoning By-law 100-90

The subject property is also subject to the Residential Infill Zoning By-law 100-90, as amended. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the Infill By-law requirements with respect to building height, and building depth.

### **Applicant's Stated Reasons for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is because, *"the property is a corner lot with an irregular shape."*

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

The Applicant completed a ZPR on December 16, 2019 to confirm the variances required for the proposed development which initially showed a maximum building height of 13.35 m (43.8 ft). The Applicant submitted revised drawings for the minor variance application, which were received by the City of Markham on December 19, 2019. The resubmission now proposes a building height of 10.6 m (34.78 ft), as shown in Appendix "B".

The Applicant has not submitted a ZPR for the revised drawings; however, the Applicant received comments from the City's zoning staff, which confirm the required variances to the Zoning By-law for the proposed development. If the variances requested in this application contain 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.

### **The Proposed Development & Orientation of the Building**

The subject property is a corner lot located at the southeast corner of Wildrose Crescent and Laureleaf Road. By definition, the front yard is deemed as Wildrose Crescent, while the exterior side yard is deemed Laureleaf Road. Both frontages are similar in length, which is a unique characteristic of this lot.

The Applicant submitted a site plan (Appendix "B") which proposes to reflect the same orientation of the existing two storey detached dwelling. The Applicant is proposing a generous exterior side yard which provides space for the circular driveway, main entry porch, and walkway. These exterior residential features are located within front yards of properties within the neighbourhood; however, the subject property is a corner lot with frontages on both streets which allows for the location of these features on Laureleaf Road (exterior side yard), as opposed to Wildrose Crescent (front yard).

The Applicant is also proposing a generous interior side yard which maintains amenity space northeast of the dwelling (interior side yard) with a wooden deck, stairs, and swimming pool. These features are typically located within rear yards of properties within the neighbourhood. The unique shape and size of the lot, and positioning of the proposed dwelling, allows for the location of these features within the interior side yard.

### **Circular Driveway**

Engineering staff provided comments as it relates to the proposed design of the circular driveway. The Applicant will be required to address and comply with the City's requirements for a circular driveway at the building permit stage.

### **Reduced Front Yard Setback**

The Applicant is requesting relief to permit a minimum front yard setback of 25 ft. 3 in (7.7 m), whereas the By-law requires a minimum front yard setback of 30 ft (9.14 m). This represents a reduction of approximately 4 ft. 9 in (1.44 m). The variance is entirely attributable to the two storey bay window. The front wall of the main portion of the dwelling complies with the by-law requirement for a front yard setback and is generally consistent with the front yard setback of the neighbouring property on Wildrose Crescent. Staff are of the opinion that the variance is minor in nature.

### **Reduced Rear Yard Setback**

The Applicant is requesting relief to permit a minimum rear yard setback of 10 ft. 1 in (3.07 m), whereas the By-law requires a minimum rear yard setback of 40 ft (12.19 m). This represents a reduction of approximately 29 ft. 11 in (9.12 m). The variance is entirely

attributable to a one storey triple car garage extension to the main portion of the dwelling. The rear wall of the main portion of the dwelling maintains a rear yard setback of 40 ft (12.19m).

The reduced rear yard setback is an appropriate reduction for this lot as it is generally consistent with the interior side yard setbacks of other existing dwellings along Laureleaf Road. Staff are of the opinion that the proposed development integrates appropriate massing consistent with Official Plan policies.

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

The Applicant is requesting relief to permit a maximum building height of 10.6 m (34.78 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.8 m (2.63 ft).

The By-law calculates building height using the vertical distance of a building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 0.85 m (2.79 ft) above the crown of road.

Staff are of the opinion that the proposed height is consistent with other infill development, and is appropriate, provided that the dwelling maintains the massing as proposed in the plans attached in Appendix "B" which limits the triple car garage to one storey in height. To this, Appendix "A" provides a condition which requires the development to be constructed in substantial conformity with the attached plans.

#### **Increase in Maximum Building Depth**

The Applicant is requesting relief to permit a maximum building depth of 33.38 m (109.51 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 16.58 m (54.39 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The variance includes a one storey portion of the proposed triple car garage which adds approximately 9.11 m (29.92 ft), and a two storey bay window which adds approximately 2.69 m (8.83 ft) to the overall depth of the building. The main component of the building, excluding the bay window has a depth of 21.58 m (70.8 ft).

The proposed building width from the point of the dwelling nearest Laureleaf Road, to the other passing through the point of the dwelling farthest from Laureleaf Road is approximately 16.0 m (52.49 ft). Staff are of the opinion that the width of the dwelling is generally consistent with the adjacent dwelling on Wildrose Crescent, and can be interpreted as the proposed building depth, due to the unique shape of the lot and proposed orientation of the dwelling. Staff are also of the opinion that the proposed building depth is generally consistent with the widths of other dwellings along Laureleaf Road, has appropriate massing, and is desirable due to the unique shape of the lot.

Metrolinx Comments

Metrolinx provided comments as of January 24, 2020 noting the subject property is within 300 m of the railway right of way, requesting that the owner provides confirmation that a warning clause be inserted into the appropriate development agreements associated with the subject property. Should the Committee choose to approve the application, a condition of approval is provided in Appendix "A" which will require that the Applicant address Metrolinx's concerns as expressed in their e-mail message dated January 24, 2020.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of January 24, 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 requested variances 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.

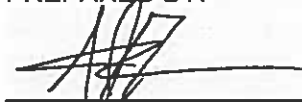
**APPENDICES**

Appendix "A" – Conditions List

Appendix "B" – Plans

Appendix "C" – Comments

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Rick Cefaratti, MCIP RPP, Senior Planner, West District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/157/19**

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 as of January 17, 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 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.
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;
6. That the applicant satisfies the requirements of Metrolinx, financial or otherwise, as indicated in their e-mail dated January 24, 2020 attached as Appendix "C" to this Staff Report, to the satisfaction of Metrolinx, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Metrolinx.

CONDITIONS PREPARED BY:

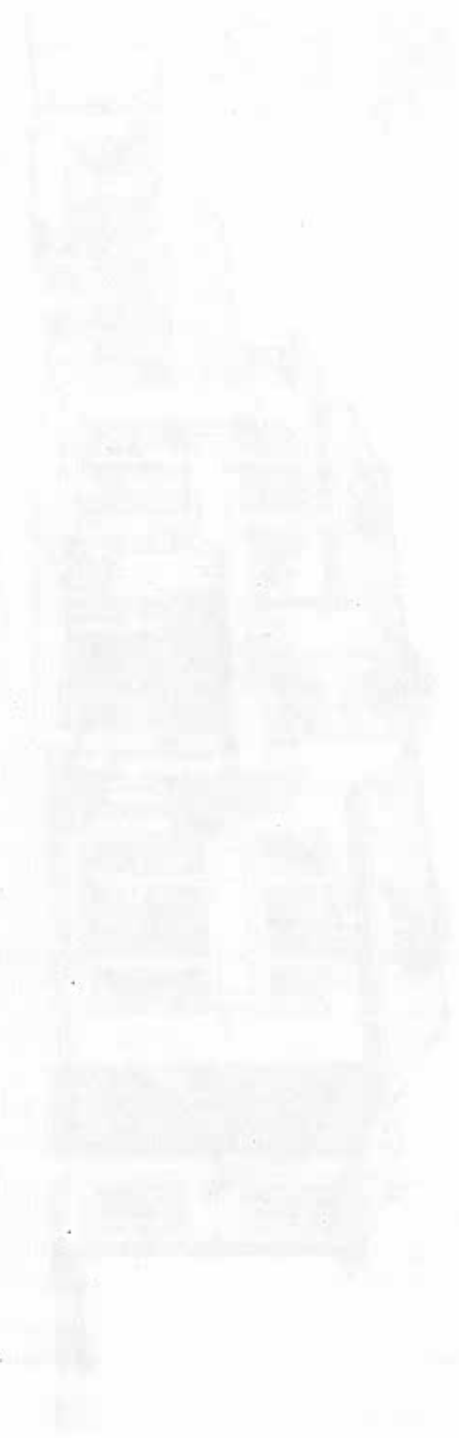


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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**

**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/157/19**



APPENDIX "B"  
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/157/19

# RESIDENCE

57 LAURELEAF ROAD,  
MARKHAM, ON



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No.	Revision	Date	By
4	Zoning Review	2019-11-18	CR
5	Variance Application	2019-12-18	CR

## TAES Architects Inc.

98 SCARSDALE ROAD  
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57 LAURELEAF ROAD

MARKHAM, ON

Project number T2019013

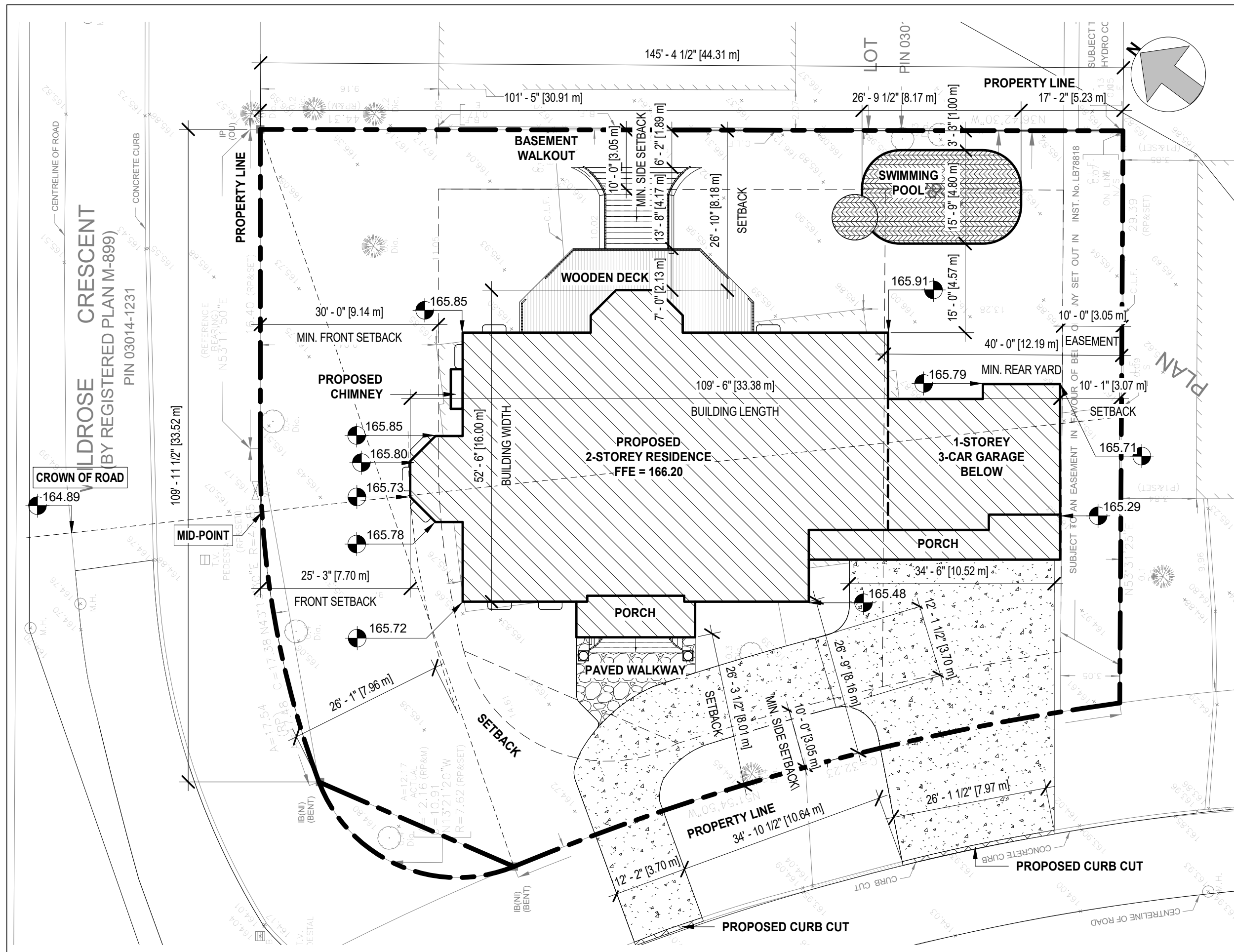
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## COVER

Drawing No. DD-000





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**SITE PLAN**

Drawing No. **DD-001**

**SITE STATISTICS**

<b>ZONING</b>	SR3 (BY-LAW 1767)	<b>LOT NO.</b>	79
<b>PLAN NO.</b>	M-899	<b>LOT AREA</b>	15991.47 SF (1485.66 SM)
<b>LOT FRONTAGE</b>	109'-11 1/2" (33.52 M)	<b>LOT DEPTH</b>	145'-4 1/2" FT (44.31 M)

DESCRIPTION	EXISTING	PROPOSED	REQUIRED	SECTION
MIN.LOT FRONTAGE		109'-11 1/2" (33.52 M)	100 FT (30.48 M)	
MIN. LOT AREA		15991.47 SF (1485.66 SM)	15000SFT (1393.5 SM)	
MAX.BUILDING HEIGHT		10.60 M*	9.8 M	
MAX.BUILDING DEPTH		33.38 M*	16.8 M	
NO. OF STORIES		2	2	
DRIVEWAY WIDTH		10.52 M*		
BUILDING AREA		4,093.11 SF (380.26 SM)		
GROSS FLOOR AREA		6397.85 SF (594 SM)	1485.66 X 47% =698.26 SM	
MAX LOT COVERAGE		4,053.02 SF (376.54M)	25.34%	33 1/3% <500.17 SM
<b>SETBACK</b>	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED</b>	
FRONT (NORTH)		25'-3" (7.70 M)*	30'-0"	
SIDE (EAST)		26'-10" (8.18 M)	10'-0"	
SIDE (WEST)		26'-3 1/2" (8.01 M)	8.00 M	By-law 28-97; Section 6.2.4.5.A
REAR (SOUTH)		10'-1" (3.07 M)*	40'-0"	

Area Schedule (GFA)				
Level	Name	Area	Area (SM)	Comments

Second Floor	2ND FL.	3274.49 SF	304 m <sup>2</sup>	
Ground Floor	1ST FL.	3123.36 SF	290 m <sup>2</sup>	
Grand total		6397.85 SF	594 m <sup>2</sup>	(39.98%)

Max. GFA = 1485.66 X 47%  
= 698.26 SM

Area Schedule (Max. Lot Coverage)			
Level	Name	Area	Comments

Ground Floor	PORCH	136.61 SF	
Ground Floor	1ST FL.	3123.36 SF	
Ground Floor	GARAGE	793.04 SF	

Grand total: 3 4053.02 SF 376.54M (25.34%)

Lot Area = 15991.47 SF(1485.66 SM)  
Max. Lot Coverage = 33 1/3%  
= 1485.66x.33  
= 490.27SM

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57 LAURELEAF ROAD

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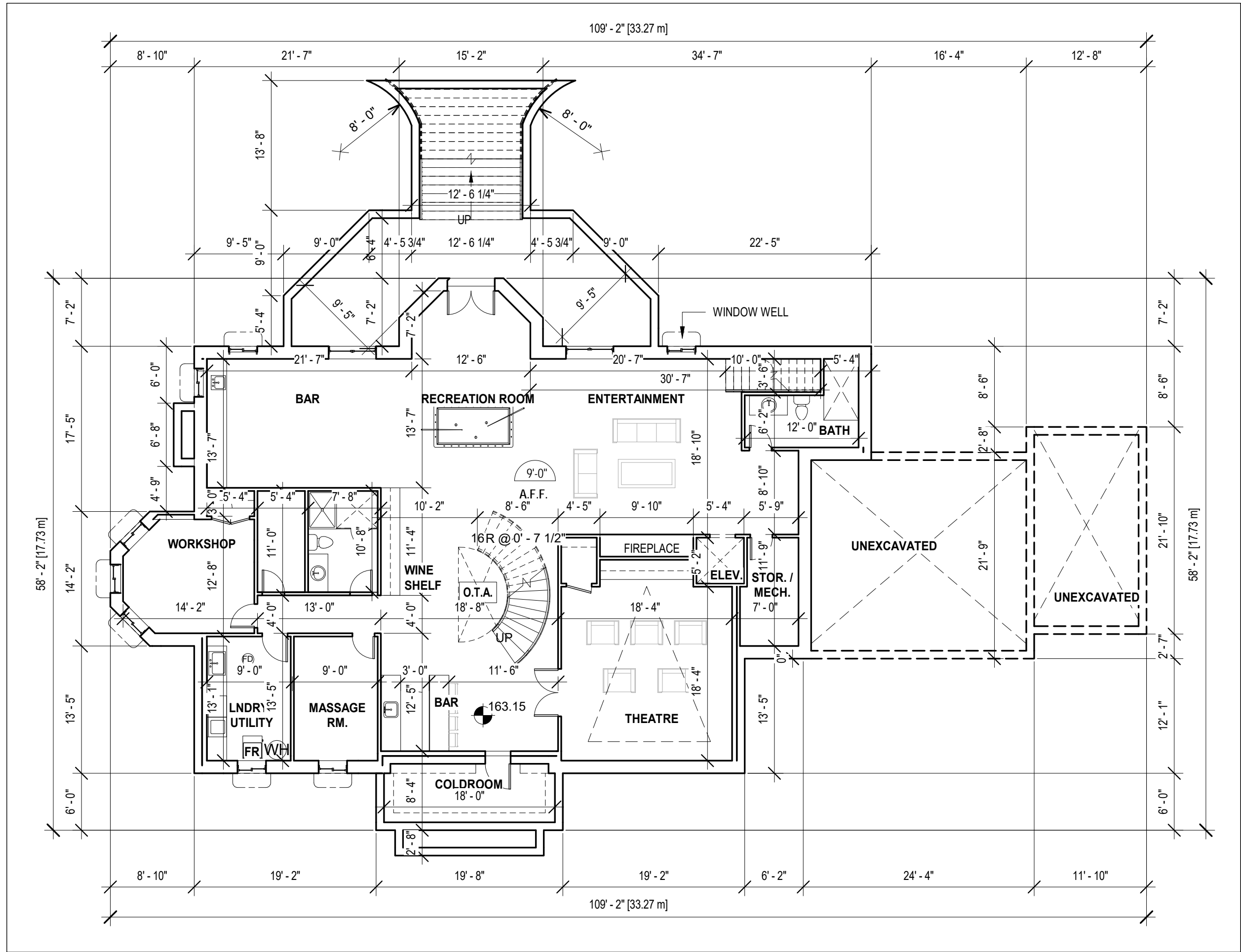
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6" = 1'-0"

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**SITE STATISTICS**

Drawing No. DD-002



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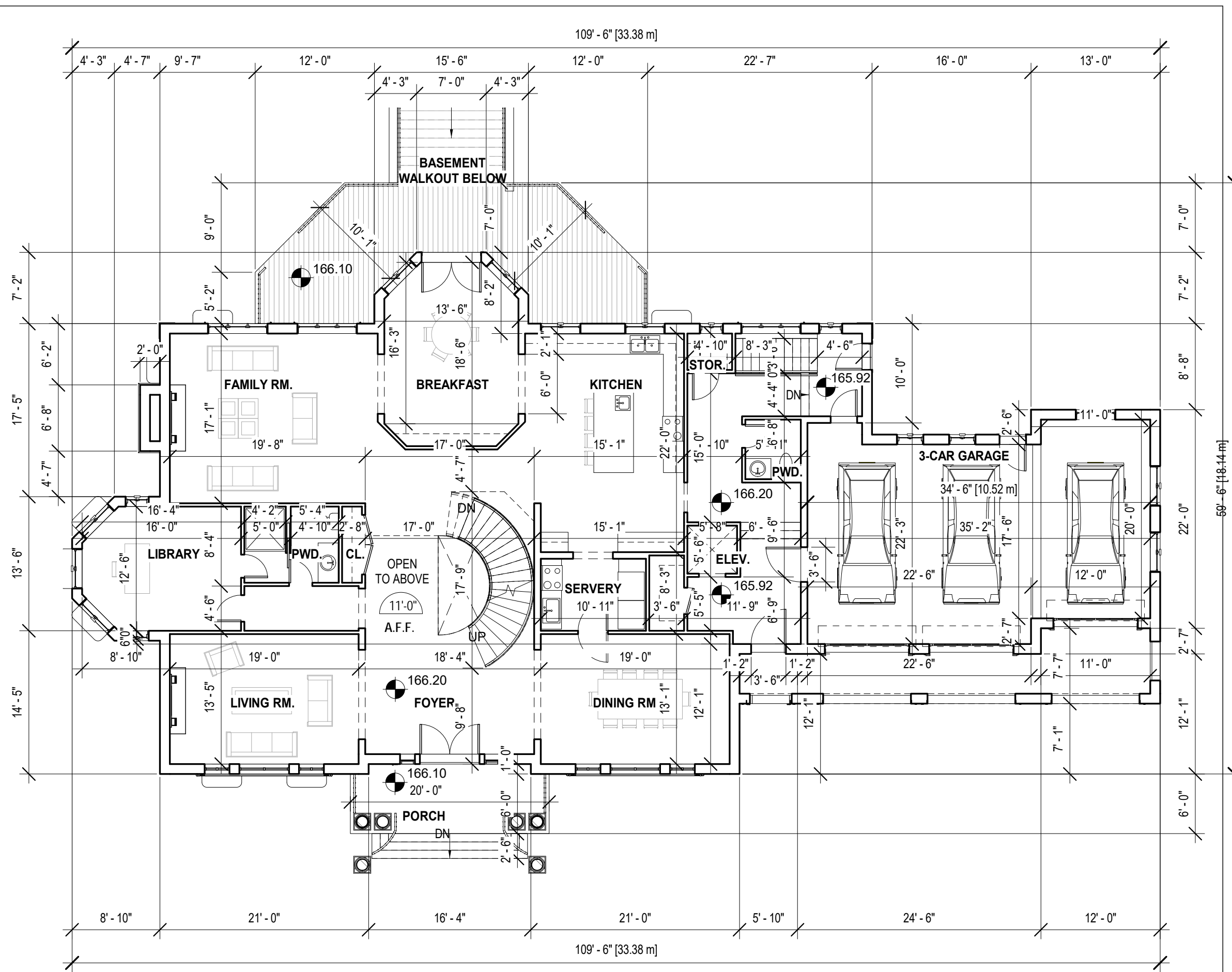
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**BASEMENT FLOOR PLAN**

Drawing No. **DD-100**



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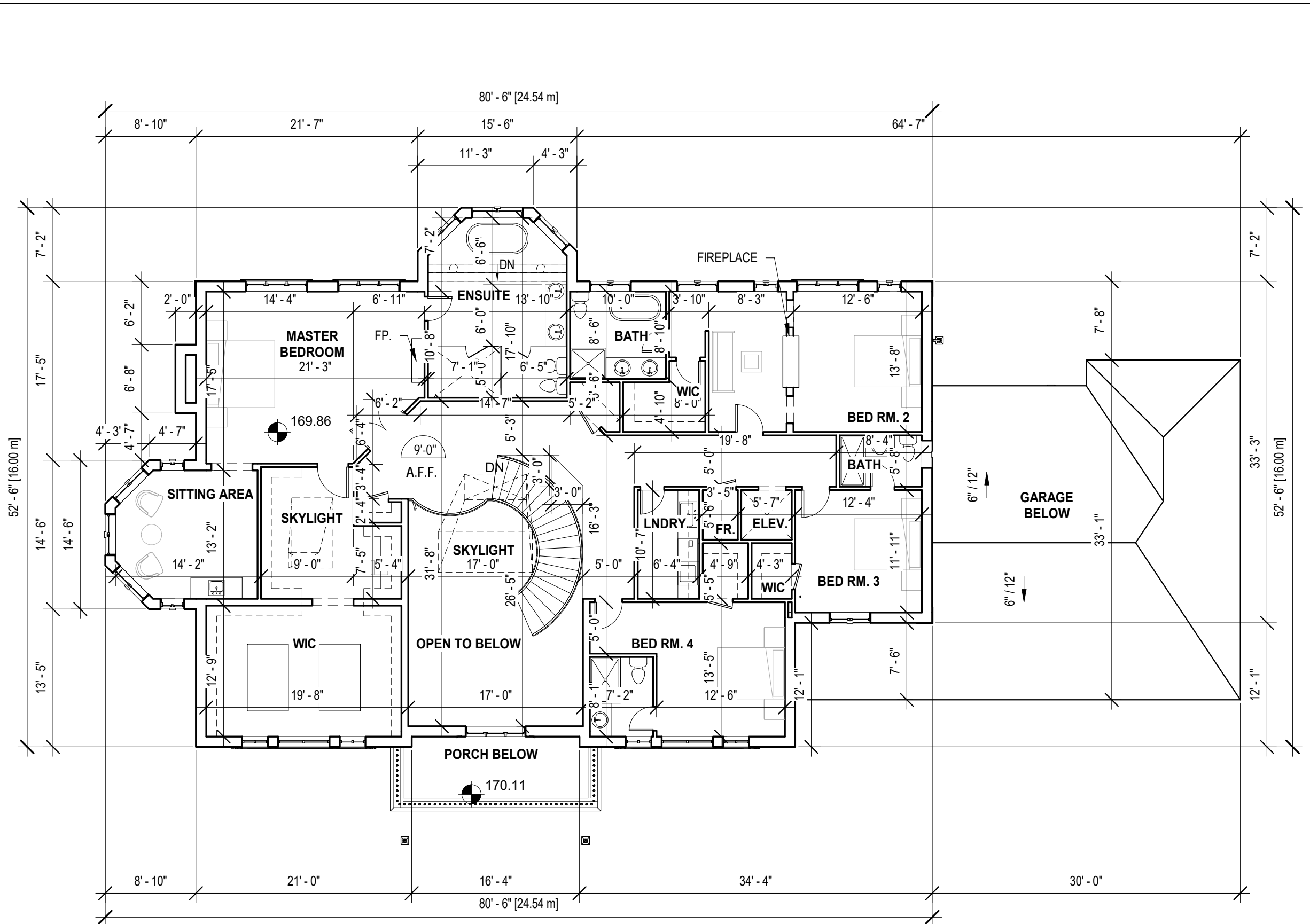
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Project number	T2019013 1" = 10'-0"
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**GROUND FLOOR PLAN**

Drawing No. **DD-101**



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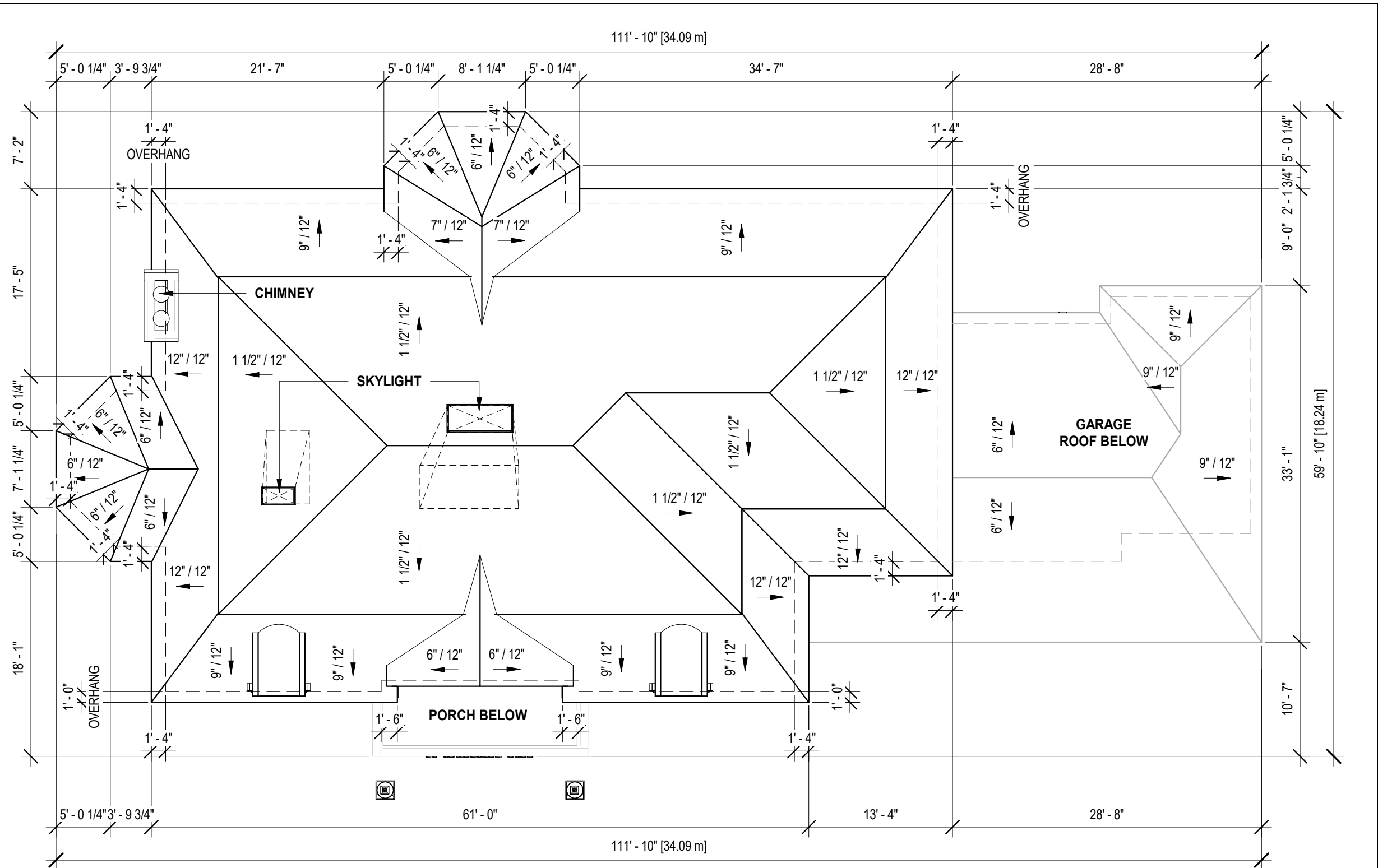
Project number T2019013  
 1" = 10'-0"

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**SECOND FLOOR PLAN**

Drawing **OPTION 1**  
**DU-102**



**ROOF STATISTICS**

	AREA (SM)	PERCENTAGE (%)
FLAT ROOF: <1:10 (1 1/4": 12") SLOPE	0	0.00%
SLOPED ROOF: >1:10 (1 1/4": 12") SLOPE	333.74	100%
TOTAL ROOF	333.74	

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**ROOF PLAN**

Drawing No. **DD-103**



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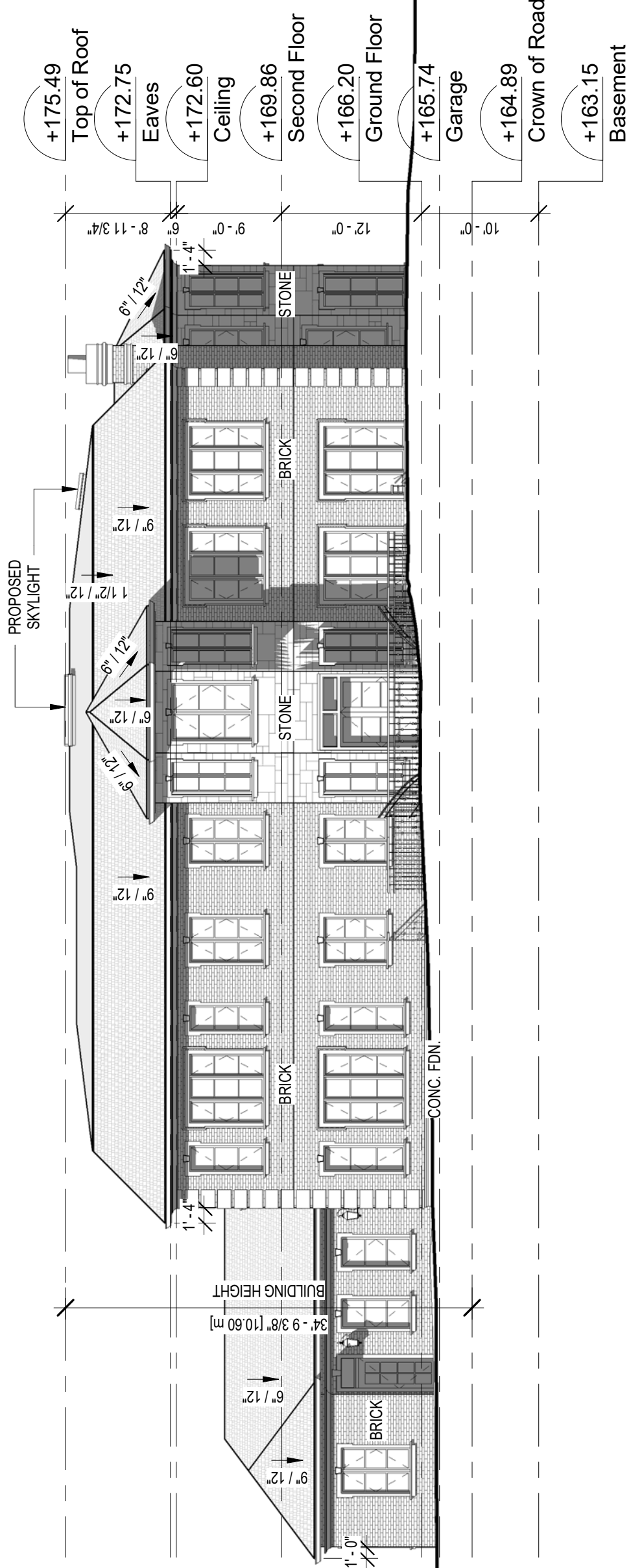
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Project number	T2019013 3/32" = 1'-0"
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**WEST (FRONT)  
 ELEVATION**

Drawing No. **DD-200**



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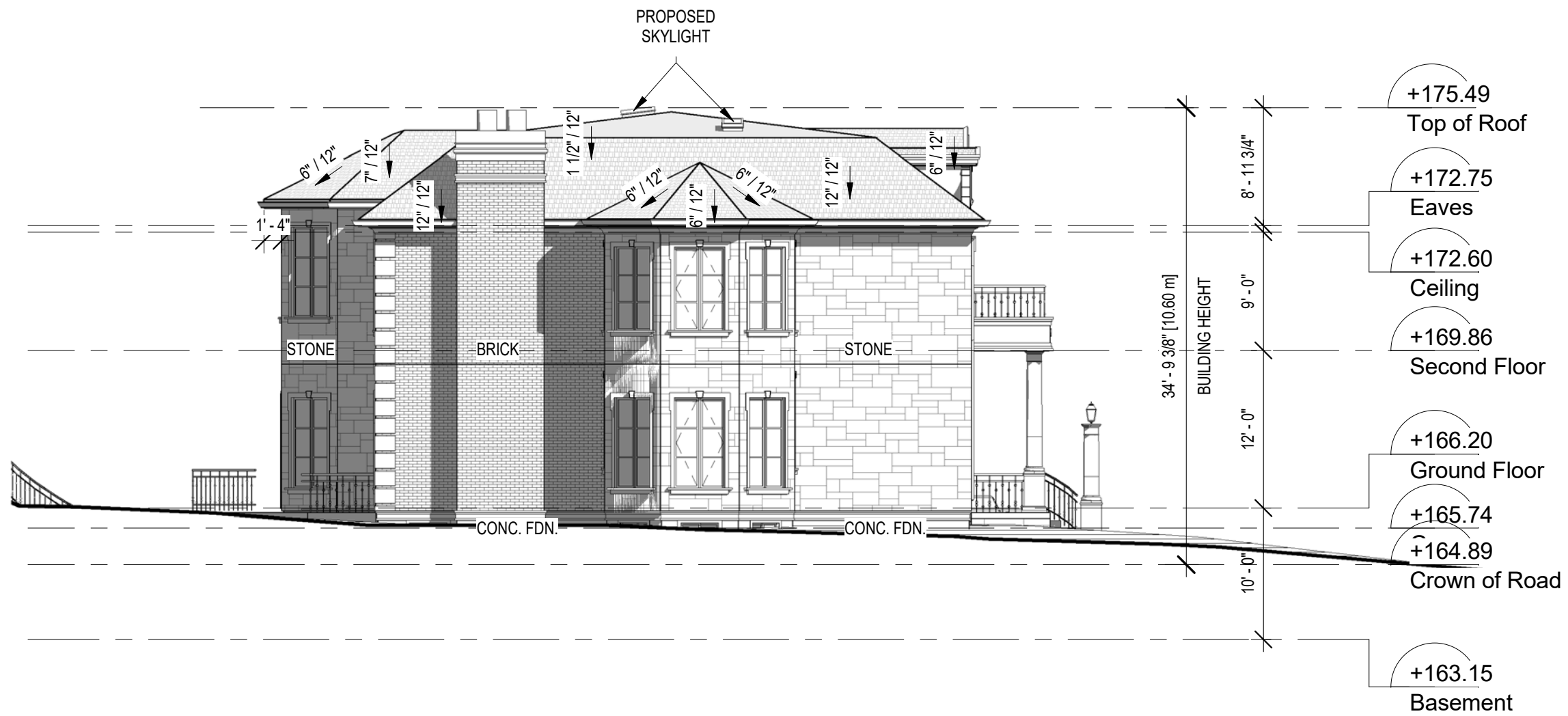
57 LAURELEAF ROAD  
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Project number	T2019013 3/32" = 1'-0"
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**EAST (REAR) ELEVATION**

Drawing No. **DD-201**





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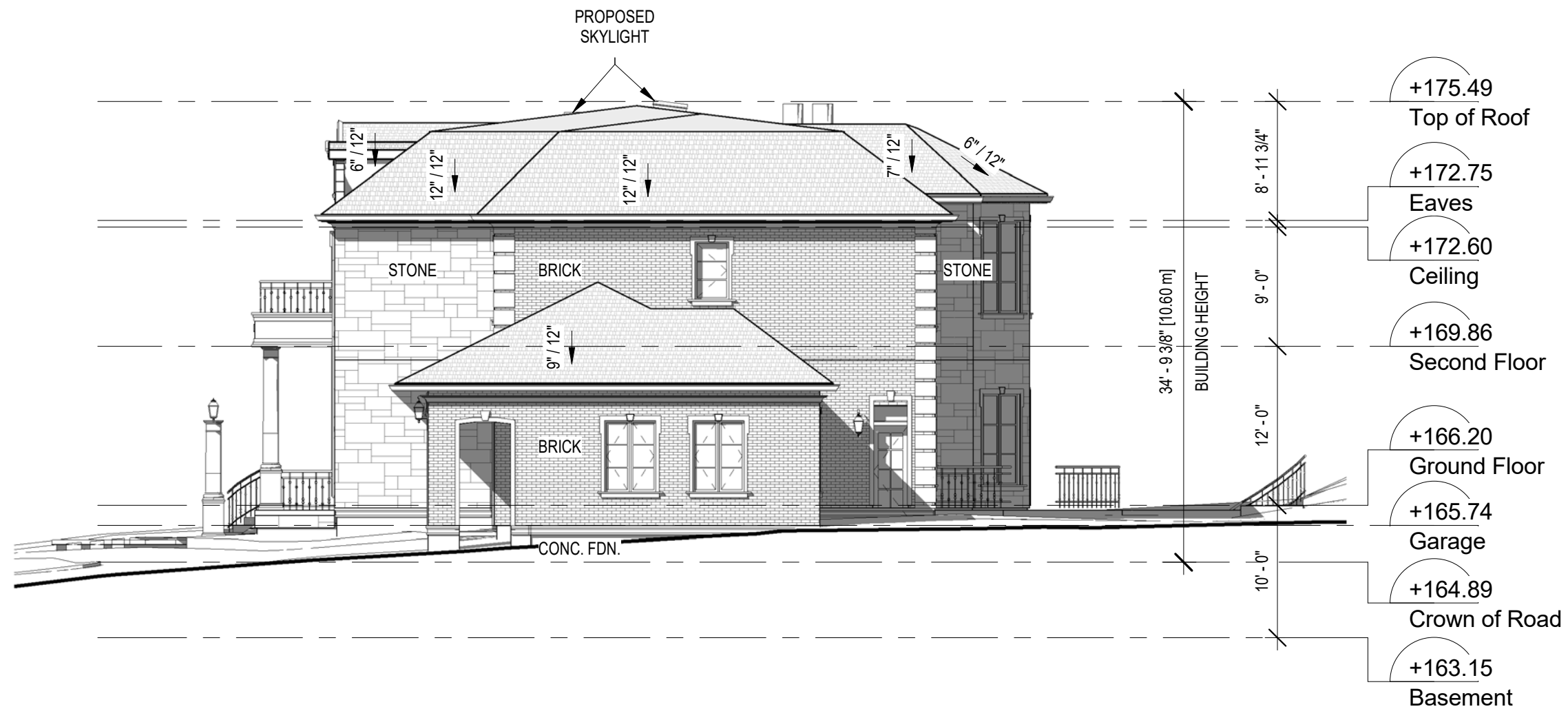
**TAES Architects Inc.**  
 98 SCARSDALE ROAD  
 TORONTO, ON M3B 2R7 CANADA  
 T: 416 800 3284 F: 416 800 3485

57 LAURELEAF ROAD  
 MARKHAM, ON

Project number	T2019013 1" = 10'-0"
Drawn	Scale
Checked	Date DEC. 2019

**NORTH ELEVATION**

Drawing No. **DD-202**



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No.	Revision	Date	By
4	Zoning Review	2019-11-18	CR
5	Variance Application	2019-12-18	CR

**TAES Architects Inc.**  
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 T: 416 800 3284 F: 416 800 3485

57 LAURELEAF ROAD  
 MARKHAM, ON

Project number	T2019013 1" = 10'-0"
Drawn	Scale
Checked	Date DEC. 2019

**SOUTH ELEVATION**

Drawing No. **DD-203**

**APPENDIX "C"**  
**COMMENTS TO BE ATTACHED TO ANY APPROVAL OF FILE A/157/19**

## Todorovski, Aleks

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**From:** Leung, Melissa  
**Sent:** Friday, January 24, 2020 1:07 PM  
**To:** Shenshu Zhang;  
**Cc:** Todorovski, Aleks; Leung, Justin  
**Subject:** FW: A/157/19 - 57 Laureleaf Road - Metrolinx Comments  
**Attachments:** Metrolinx Environmental Easement 2019.pdf

Hello Melissa,

Further to the for 57 Laureleaf Road, Thornhill, dated December 19<sup>th</sup>, 2019, I note the subject site is within 300 metres of Metrolinx's Bala Subdivision which carries Richmond Hill GO Train service. We have no objections to the application, however, ask that the following be included in any conditions of approvals related to the minor variance and/or subsequent site plan application;

\*Prior to the issuance of Site Plan Approval, the Owner shall provide confirmation to Metrolinx that the following warning clause is inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way:

**Warning:** Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion 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.

\* Prior to the issuance of Site Plan Approval, the Owner shall grant Metrolinx an environmental easement for operational emissions, registered on title against the subject residential dwelling in favour of Metrolinx. I have attached our Environmental Easement language as a reference.

Should you have any questions or concerns, please feel free to contact myself.

Thank you,  
**Terri Cowan**  
Third Party Projects Officer  
Third Party Projects Review | Capital Projects Group  
Metrolinx | 20 Bay Street, Suite 600 | Toronto, Ontario | M5J 2W3  
T: 416-202-3903 C: 416-358-1595

