

Memorandum to the City of Markham Committee of Adjustment

February 7, 2020

File: B/28/19 and A/006/20
Address: 21 Lanor Court, Markham
Applicant: Harichandran Samithamby
Agent: QX4 Investments Ltd. - Consulting Services
Hearing Date: Wednesday February 5, 2020

The following comments are provided on behalf of the East District:

Consent Application B/28/19

The Applicant is requesting provisional consent to:

- a) Sever and convey a parcel of land with an approximate area of 516.7 m² (5561.7 ft²) and approximate lot frontage of 14.6 m (47.9 ft); and
- b) Retain a parcel of land with an approximate area of 665.7 m² (7165.5 ft²) and approximate lot frontage of 23.2 m (76.1 ft).

These relate to a proposed severance for a residential development lot and new single detached dwelling on the 'severed' parcel. An existing detached dwelling will remain on the 'retained' parcel.

This consent application was approved by the Committee of Adjustment under file B/36/17 on July 25, 2018, as per the decision and conditions attached as Appendix 'A'. The applicant did not satisfy all of the conditions within one year of approval, and in accordance with Section 53(41) of the Planning Act R.S.O., 1990, c.P.13 the previous consent is deemed to be refused. The applicant has submitted the same consent application for the proposed severance.

Variance Application A/006/20

The applicant is requesting relief to the Third Density – Single Detached Residential (R3) zone requirements of By-law 90-81, as amended, to permit:

- a) a minimum lot frontage of 14.6 m, whereas the By-law requires a minimum lot frontage of 18 m (Section 6.1.2);
- b) a minimum lot area of 516.7 m², whereas the By-law requires a minimum lot area of 613 m² (Section 6.1.2);
- c) a minimum rear yard of 6.9 m, whereas the By-law requires a minimum rear yard of 7.5 m (Section 6.1.2);
- d) a minimum south side yard of 1.2 m, whereas the By-law requires a minimum side yard of 1.8 m (Amending By-law 61-94, Section 17);
- e) a minimum north side yard of 1.2m, whereas the By-law requires a minimum side yard 1.8 m (Amending By-law 61-94, Section 17);
- f) a maximum lot coverage of 41.01%, whereas the By-law permits a maximum lot coverage of 40% (Section 6.1.2).

These relate to a proposed detached dwelling on the 'severed' parcel. Variances 'a to d', were approved by the Committee of adjustment on July 25, 2018 (A/186/17). The applicant has resubmitted these variances to request a change of approval conditions, which required the development to be in substantial conformity with the plans considered at the time of the previous proposal. Variances to the request a reduction to the north side yard, and increased lot coverage are new requests.

BACKGROUND

Property Description

The 1183.2 m² (0.29 ac) subject property is located at the southwest corner of Lanor Court and Boxwood Crescent, which is south of 14th Avenue and west of 9th Line (See Figure 1). The property is developed with an existing two-storey single detached dwelling which has a three-car garage. According to assessment records, the dwelling is 4,370 ft² (406 m²), including the garage, and was built in 2001. Vehicle access is provided via a circular driveway to Lanor Court.

The surrounding area comprises two-storey single detached dwellings on varying lot sizes and configurations.

Proposal

The Applicant is proposing a consent application to sever the existing lot into two parcels to create a new development lot for a new single detached dwelling on the severed parcel. The existing dwelling will remain on the retained parcel, however to facilitate proposed severance, a portion of the existing three-car garage will need to be demolished and be reconfigured as a two-car garage. Figure 2 shows the severance plan and proposed site plan.

This consent application was approved by the Committee of Adjustment on July 25, 2018 (File B/36/17), but the applicant did not satisfy all the approval conditions within one year of the approval date, necessitating this current application. The approval decision is attached as Appendix 'A'.

Two variance applications were also submitted in 2017 with the previous consent application, which were also approved by the Committee of Adjustment on July 25, 2018. Variance A/135/17 permitted reduced front, rear and side yard setbacks for the existing dwelling on the proposed 'retained' lot.

Variance A/136/17 permitted reduced lot area and frontage for the severed parcel and a reduced rear and south side yard setback for the proposed dwelling. Conditions of approval required this new dwelling to be in substantial conformity with the plans submitted at the time; which depicted a modestly scaled home that was predominantly one-storey in height (except for a 2nd storey portion above the garage).

The applicant is now proposing to expand the 2nd storey space by adding a bedroom and has also increased the overall height of the dwelling. Staff are of the opinion that these changes were significant enough to require another variance application to request a change of conditions to reflect the current proposal. The applicant also added variances to request a reduction to the north side yard, and increased lot coverage.

Official Plan

The subject property is designated 'Residential Low Rise' in the 2014 Official Plan, as partially approved on November 24, 2017 and further updated on April 9, 2018 (2014 Official Plan). This designation permits a range of low rise housing forms, including single detached dwellings.

In considering applications in a 'Residential Low Rise' area, including severances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan with respect to lot frontage and lot area 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. Regard shall also be had for retention of existing trees and vegetation, and the overall orientation and sizing of new lots within a residential neighbourhood. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

Zoning

The subject property is zoned Third Density – Single Detached Residential (R3) under By-law 90-81, as amended, which permits single detached dwellings. The minimum required lot area for this zone is 613 m² (6600 ft²) and the minimum required lot frontage is 18 m (59 ft). The retained lot complies with the minimum lot area and lot frontage requirements.

The previous approval of variance A/136/17 permitted a reduced lot area of 516.7 m² (5561.7 ft²) and a reduce lot frontage of 14.6 m (47.9 ft) for the severed parcel, which is consistent with the current proposal. However as part of a request to change approval conditions, the applicant is re-requesting these variances, as well as variances to the rear and side yard setbacks and maximum lot coverage.

Zoning Preliminary Review Not Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) however the variance for lot coverage has been modified. Ultimately, it is the owner'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.

A Zoning Preliminary Review has not been conducted for the proposed development. It is the owner's responsibility to ensure that the proposal, including the future and reconfigured homes, comply with all zoning requirements. If any additional variances are identified during the Building Permit review process, the applicant will be required to either modify the proposal or reapply to the Committee of Adjustment to address any non-compliance.

Public Input Summary

There were no written comments received at the time this report was prepared on February 7, 2020. Any additional comments will be provided to Committee of Adjustment members by the Secretary Treasurer at the hearing.

COMMENTS

Current Consent Application B/28/19

In a memorandum dated June 5, 2018 (attached as Appendix 'B') staff indicated that the lot pattern of the surrounding area varies and is characterized by a diversity of lot areas, frontages and configurations, and it was staffs opinion that the proposed 'severed' and 'retained' lots are compatible to existing lots in the surrounding area. Staff therefore recommended conditional approval of the consent application.

The applicant has fulfilled most of the approval conditions, including execution of a development agreement with the City to address matters related to new service

connections, cash in lieu of parkland dedication and financial securities. The applicant has also satisfied engineering conditions to confirm there are no easements on the subject lands or existing service lines that would cross the lot line between the severed and retained lots.

With respect to tree compensation and preservation conditions, two City owned trees on Lanor Court will be removed to access the proposed severed lot and to the re-configured garage of the existing dwelling on the retained lot. Financial compensation required for the removal of these two City trees has been agreed to by the applicant and City's Operation Department. The applicant should be cognizant that a road occupancy permit through the City's Roads Department is required to remove these trees, and that the agreed upon compensation will be required at that time.

The consent conditions that were not satisfied within the one year period of the previous approval relate to demolishing a portion of the existing garage located on the proposed severed lot, and obtaining any required building permits for this work.

In consideration of this consent application, staff remain of the opinion that the proposed severance is appropriate, and that any decision to approve this application should be subject to finalizing those conditions not satisfied through the 2017 application, as provided in Appendix 'C'.

Current Variance Application A/006/20

Section 45.1 of the Planning Act outlines four tests that must be met in order for a variance to be granted by the Committee of Adjustment, summarized as follows:

1. The variance must be minor in nature;
2. The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
3. The general intent and purpose of the Zoning By-law must be maintained;
4. The general intent and purpose of the Official Plan must be maintained.

Reduced Lot Area and Frontage

Considering staff are of the opinion that proposed severance is appropriate with respect to lot area, configuration and frontage, staff therefore have no objection to the requested variances to permit a reduced lot frontage of 14.6 m (47.9 ft) and a reduced lot area of 516.7 m² (5661.7 ft²). This is consistent with the comments provided for the previous proposal (Appendix B).

Reduced Rear Yard

The requested rear yard setback reduction is applicable to a small portion of the proposed dwelling at its northwest corner. The majority of the rear wall complies with the minimum rear yard setback of 7.5 m. Staff note that the rear section of the proposed dwelling is one-storey in height only, and are of the opinion that the requested rear yard setback will be of no impact to abutting properties. Staff have no concerns with this requested variance, which is consistent with previous comments (Appendix B).

Reduced Side Yards

The 2018 variance approval permitted a reduced south side yard setback of 1.2 m (3.93 ft) for the 2nd storey portion of the dwelling. At the time, the 2nd storey portion of the dwelling was limited to the southeast area of the proposed dwelling above the garage. The applicant is proposing to expand this second floor space by approximately 4.1 m (13.5

ft) along the south side of the building to add a second bedroom on this level. This change, as well as modifications to the overall height of the dwelling necessitated the need for this current variance application to request a change of approval conditions relating to the plans associated with the 2018 variance approval. In the 2018 memorandum (Appendix B) staff had no concern with the reduced 2nd storey south side yard setback. Staff are of the opinion that the expanded 2nd floor space along the south wall will have minimal impact on the abutting property to the south, and therefore have no objection with this change to the plan.

Additionally, the applicant has requested a new variance to permit a 2nd storey north side yard setback of 1.2 m, which is applicable to a small area of the proposed dwelling containing the stairs. This side of the proposed dwelling is adjacent to the existing home on the retained parcel, and staff do not have concerns with this request.

Increased Lot Coverage

The applicant is requesting a maximum lot coverage of 41.01%, whereas the By-law permits a maximum lot coverage of 40%. The severed parcel is proposed to have a lot area of 516.7 m² (5661.7 ft²). Approval of this variance would permit a dwelling with a total lot coverage of 211.9 m² (2280.9 ft²) whereas the By-law permits a maximum of 206.7 (2224.9 ft²). This is a minor increase of 5.2 m² or 56 ft². However, considering that the applicant is proposing a severance to create this lot, including a variances for a reduced lot area and other development standards, it would be appropriate that new infill housing comply with the maximum lot coverage requirement. Committee should also consider the cumulative effect of the requested increased lot coverage in combination with proposed reductions to rear and side yard setbacks. Notwithstanding, staff acknowledge that the proposed lot coverage is a negligible increase that will not impact abutting properties.

Revisions to Plans to Change Conditions

The applicant has submitted a variance application to re-request four variances approved by the Committee of Adjustment in 2018 to change conditions that approval conform to plans considered at that time. These changes included expanding the 2nd floor area space along the south portion of the dwelling, and increasing the building height, in which the front elevation height increased by approximately 1.14 m (3.74 ft). The plans considered in 2018 showed a height of 8.68 m (28.48 ft) from grade elevation to the peak of the roof, whereas the current plans show a height of 9.82 m (32.2 ft).

In review of the previous applications, staffs recommendation of approval considered the overall bulk and mass of the proposed dwelling, which was of modest scale. Staff note that the current proposal still contemplates a predominantly single storey dwelling, with second storey floor space oriented towards the front of the building. In consideration of the request to change conditions to reflect the current plan, Committee should be satisfied that the proposed dwelling will fit in with the established scale and massing of the community. Staff note that the by-law permits a maximum building height of 10.7 m (35.1 ft) measured from established grade to the mid-point of a pitched roof, and that the proposed dwelling complies with this requirement.

CONCLUSION

In concluding that the proposed consent is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act. Staff also have assessed the variances in

accordance with Section 45 (1) of the Planning Act. Please see Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:

A handwritten signature in black ink, appearing to read "Stephen Corr". The signature is fluid and cursive, with the first name being more prominent.

Stephen Corr, Senior Planner

REVIEWED BY:

A handwritten signature in blue ink, appearing to read "Stacia Muradali". The signature is very fluid and cursive, with a long, sweeping underline that extends to the right.

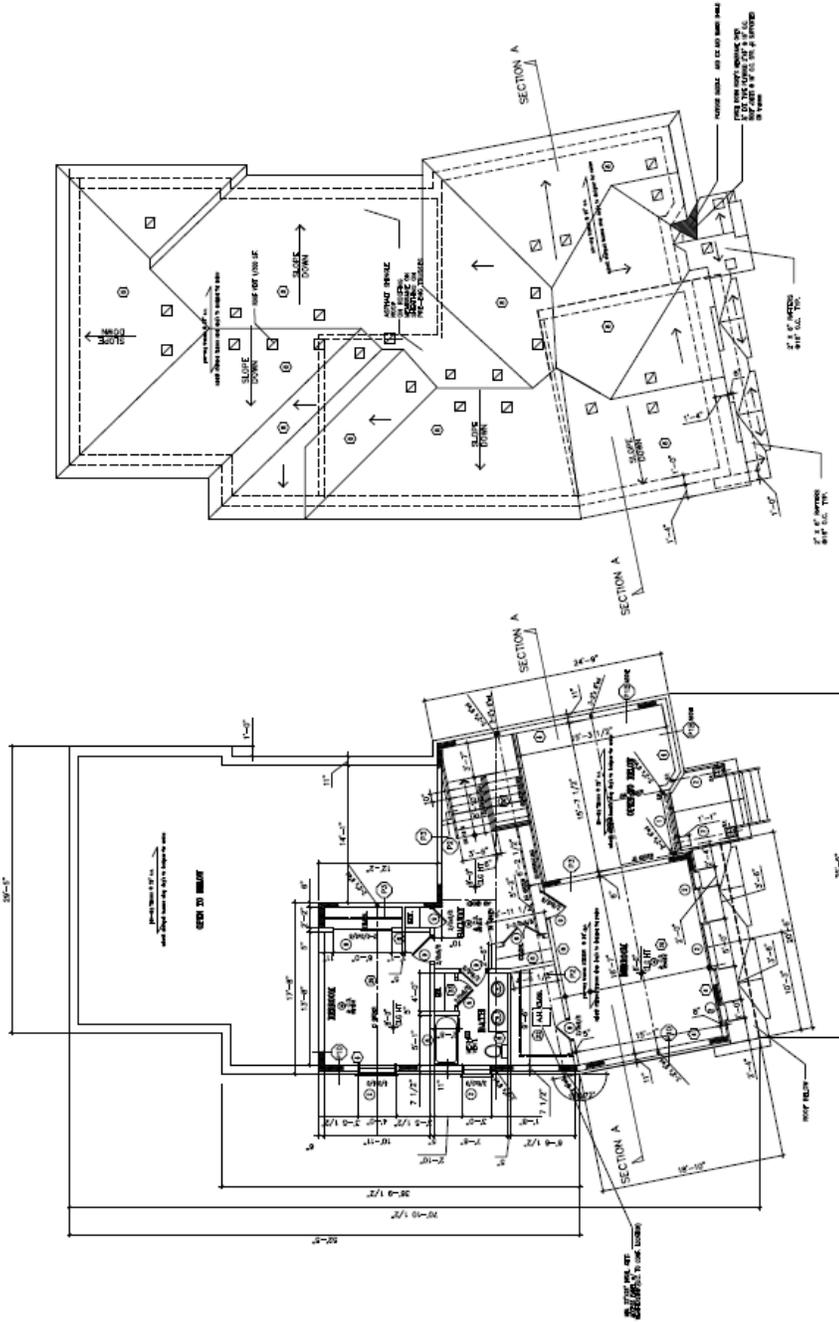
Stacia Muradali, Senior Planner

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Figure 1 - Site Location and Area Context

Figure 5 - Second Floor and Roof Plan



THE UNDERSIGNED HAS REVIEWED AND TAKES
 RESPONSIBILITY FOR THE ACCURACY OF THE
 DIMENSIONS AND MEETS THE REQUIREMENTS SET
 OUT IN THE CODE TO BE A REGISTERED
 PROFESSIONAL ENGINEER
 REGISTRATION INFORMATION
 WEATHER DESIGN ASSOCIATES (P.C.L.) 3037

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

SECOND FLOOR PLAN
 SCALE: 3/16" = 1'-0"

NO.	REVISIONS TO	BY	DATE
3	REVISION	K.V.	08/10/18
2	REVISION	K.V.	08/27/18
1	ISSUED FOR PERMITS	K.V.	08/27/18
1	ISSUED FOR PERMITS REVIEW	K.V.	08/27/18

ALL DRAWINGS AND RELATED DOCUMENTS
 MUST BE RETURNED TO THE ARCHITECT
 AND MUST BE RETURNED UPON REQUEST
 REPRODUCTION OF DRAWINGS AND
 RELATED DOCUMENTS IN PART OR WHOLE
 WITHOUT ARCHITECT'S WRITTEN
 CONSENT IS PROHIBITED.

CONTRACTOR MUST CHECK AND VERIFY
 ALL DIMENSIONS ON THE SITE AND REPORT
 ANY DISCREPANCIES OF ERRORS BEFORE
 COMMENCING WORK. THE ARCHITECT
 SHALL NOT BE RESPONSIBLE FOR THE
 WORK AND ASSUMES NO RESPONSIBILITY
 FOR THE FAILURE OF THE CONTRACTOR
 TO CARRY OUT GENERAL REVIEW OF THE
 DRAWINGS. THE ARCHITECT'S REVIEW
 IS LIMITED TO THE TECHNICAL ASPECTS
 OF THE DRAWINGS AND DOES NOT
 CONSTITUTE AN ENDORSEMENT OF THE
 CONTRACT DOCUMENTS. ANY
 CHANGES ARE TO BE MADE TO THE
 DRAWINGS AND DOCUMENTS WITHOUT THE
 ARCHITECT'S WRITTEN CONSENT.

OWNER:
 MR & MRS RHH

PROJECT:
 NEW BANGALOW (ENCLING)
 21 LAKSHI COURT
 MANSION
 MANGALORE

DRAWING TITLE:
 FLOOR PLANS

VERIFIED BY:
 ARCHITECT
 K.V. VISWANATHAN
 REG. NO. 17745
 WEATHER DESIGN ASSOCIATES (P.C.L.)
 3037

SCALE: CAD FILE: JOB NO.:
 3/16" = 1'-0" 17145-A3 17145

DATE: MAY 2017 DWG NO.:
 DRAWN BY: K.V. A3 8 OF

CREATED BY: K.V. DATE OF PRINT:
 MAY 26/18

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/28/19

- 1) Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
- 2) Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/28/19, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
- 3) Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
- 4) Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
- 5) That the owner obtains a demolition and/or a building permit to the satisfaction of the Chief Building Official, or his designate, in relation to the removal of the portion of the existing garage on the proposed severed parcel.
- 6) That after obtaining the permit required in Condition 7, the owner demolishes the portion of the existing garage on the proposed severed parcel to the satisfaction of the Chief Building Official, or his designate.
- 7) Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FA/006/20

- 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 plan(s) attached as 'Figures 3 to 6' to this Staff Report and dated May 2017 (Revision Date, December 18, 2019) and received by the by the Committee of Adjustment December 19, 2019.

CONDITONS PREPARED BY:



Stephen Corr, Senior Planner