

Memorandum to the City of Markham Committee of Adjustment

May 15, 2019

File: A/44/19
Address: 30 Rothsay Rd, Thornhill
Applicant: Bicheng Wang & Man Jiang Yu
Agent: Modular Home Additions Inc (Milan Lukovic)
Hearing Date: Wednesday May 29, 2019

The following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirements of By-law 2150, R3A as amended:

a) Section 6.1 (Building Height):

a maximum building height of 25 ft 9 in (7.85 m), whereas the By-law permits a maximum building of 25 ft (7.62 m) from established grade to the mean level between the eaves and the ridge of the sloping roof;

b) Section 6.1 (Side Yard Setback):

a minimum westerly side yard setback of 4.56 ft (1.39 m), whereas the By-law requires a minimum side yard setback for a 2nd storey of 6 ft (1.82) on each side;

c) Section 3.7 (Permitted Yard Encroachment):

a maximum unenclosed roofed porch encroachment of 60 in (5 ft), whereas the By-law permits a maximum encroachment of 18 in (1.5 ft) into the required front yard setback;

as they relate to a proposed second storey addition to an existing single detached residential dwelling.

BACKGROUND

Property Description

The 695.88 m² (7,490.4 ft²) subject property is located on the north side of Rothsay Road, South of Highway 7 and west of Bayview Avenue. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwelling. There is an existing one-storey detached 158.59 m² (1,707.05 ft²) dwelling on the property, which according to assessment records was constructed in 1996. Mature vegetation exists across the property.

Proposal

The applicant is proposing to construct a 153.29 m² (1,650 ft²) addition above the existing one-storey detached dwelling. The proposal also includes alterations to the interior and exterior of the existing one-storey detached dwelling.

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and further 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 2150

The subject property is zoned R3A 'Third Density Single Family Residential' under By-law 2150, as amended, which permits a single detached dwelling. The proposal does not comply with the by-law with respect to maximum building height, minimum westerly side yard setback and, permitted yard encroachment into the required yard.

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

According to the information provided by the applicant, the reason for not complying with Zoning is, "existing site conditions".

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on April 23, 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 is requesting relief to permit a maximum building height of 25.75 ft (7.85 m), whereas the By-law permits a maximum building height of 25 ft (7.62 m). This represents an increase by approximately 0.75 ft (0.23 m) or, approximately 3 percent. Staff are of the opinion that the requested variance is minor in nature.

Reduced Westerly Side Yard Setback

The applicant is requesting a minimum westerly side yard setback of 4.56 ft (1.39 m) for the two-storey portion of the dwelling, whereas the By-law requires a minimum westerly side yard setback of 6 ft (1.82) for the two-storey portion of the dwelling.

The requested variance only applies to the two-storey portion above the existing garage and does not span the full length of the proposed dwelling. The remainder of the home maintains a setback of approximately 23.4 ft (7.13 m) from the west property line. Engineering staff have reviewed the application and have no concern with the variance respecting drainage. Given that the main floor complies with the minimum side yard setback requirement and that the requested variance only applies to the portion above the existing garage, Staff are of the opinion that the requested variance is minor in nature.

Increase in Unenclosed Roofed Encroachment

The applicant is requesting a maximum unenclosed roofed porch encroachment of 60 in (5 ft), into the front yard, whereas the By-law permits a maximum roofed porch encroachment of 18 in

(1.5 ft) into the required front yard setback. Given that the porch is unenclosed and maintains the permitted front and side yard setbacks, it will not add to the overall massing of the building. Staff are of the opinion that the requested variance is appropriate for the development of the site.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 15, 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 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. 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.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



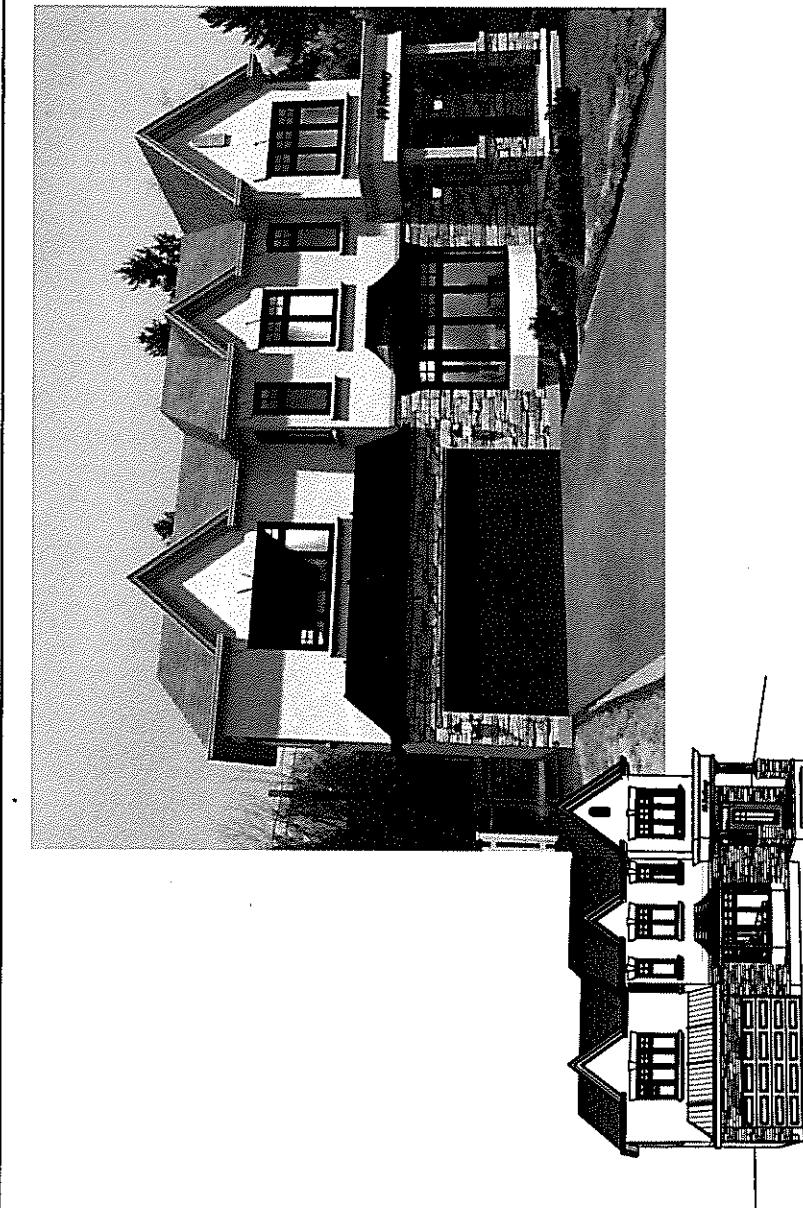
David Miller, Development Manager, West District
File Path: Amanda\Files\19 119418\Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/44/19

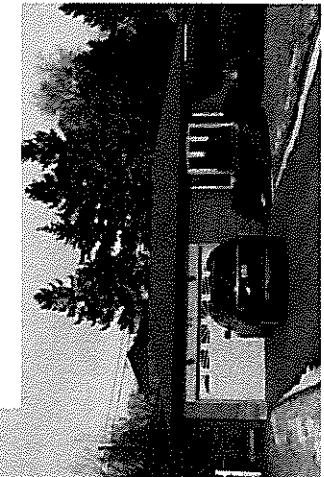
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on May 3rd, 2019, and that the Secretary-Treasurer 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. 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; and
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:


Aqsa Malik, Planner, Zoning and Special Projects



Concept



Before

Proposed Second Storey Addition & Interior Renovations to:

30 Rothsay Road, Markham Ontario

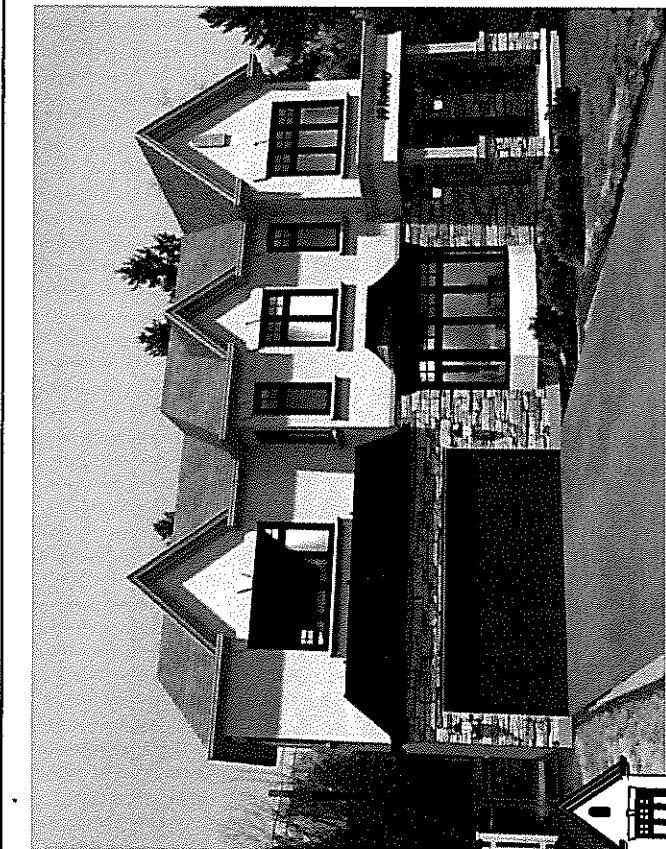
Project No.: ACCC201901001

Client: Bichend Wang & Man Jiang Yu

Accuvision

Design • Planning • Management
Cambridge, ON N3C 2S3
t 519.241.9446

Printing Date: 24/04/2019



After



ID	Section Index	Name
A.1	Lower	
A.2	Second	
A.3	Upper	
A.4	Roof	
A.5	Exterior	
A.6	Interior	
A.7	Structural	
A.8	Landscaping	
A.9	Driveway	
A.10	Garage	
A.11	Swimming Pool	
A.12	Landscaping	
A.13	Driveway	
A.14	Garage	
A.15	Structural	
A.16	Exterior	
A.17	Interior	
A.18	Landscaping	
A.19	Driveway	
A.20	Garage	
A.21	Structural	
A.22	Exterior	
A.23	Interior	
A.24	Landscaping	
A.25	Driveway	
A.26	Garage	
A.27	Structural	
A.28	Exterior	
A.29	Interior	
A.30	Landscaping	
A.31	Driveway	
A.32	Garage	
A.33	Structural	

WALL SCHEDULE

JUNIOR SCHEDULE AS OF 10/03/2012 WALL LEGEND

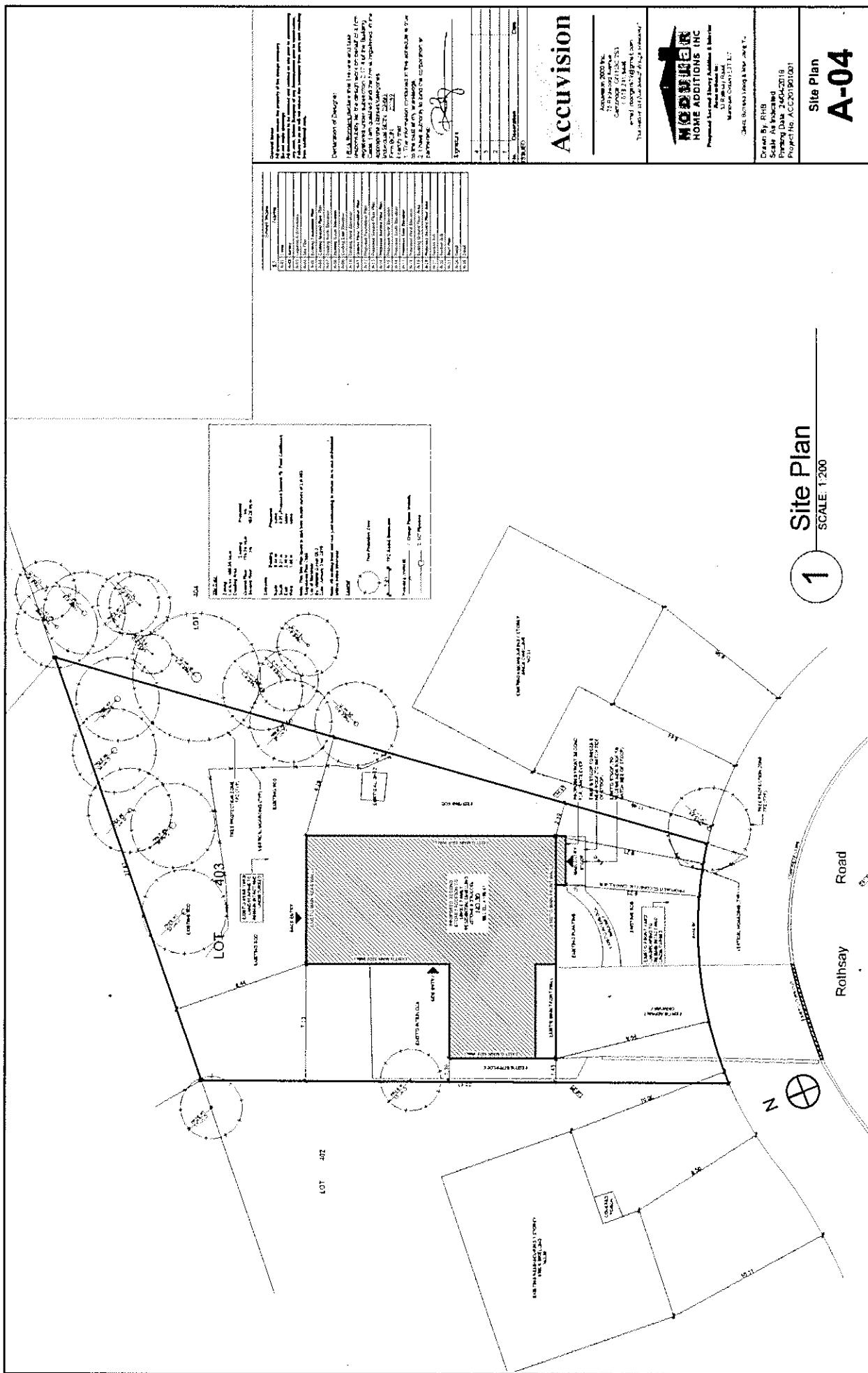
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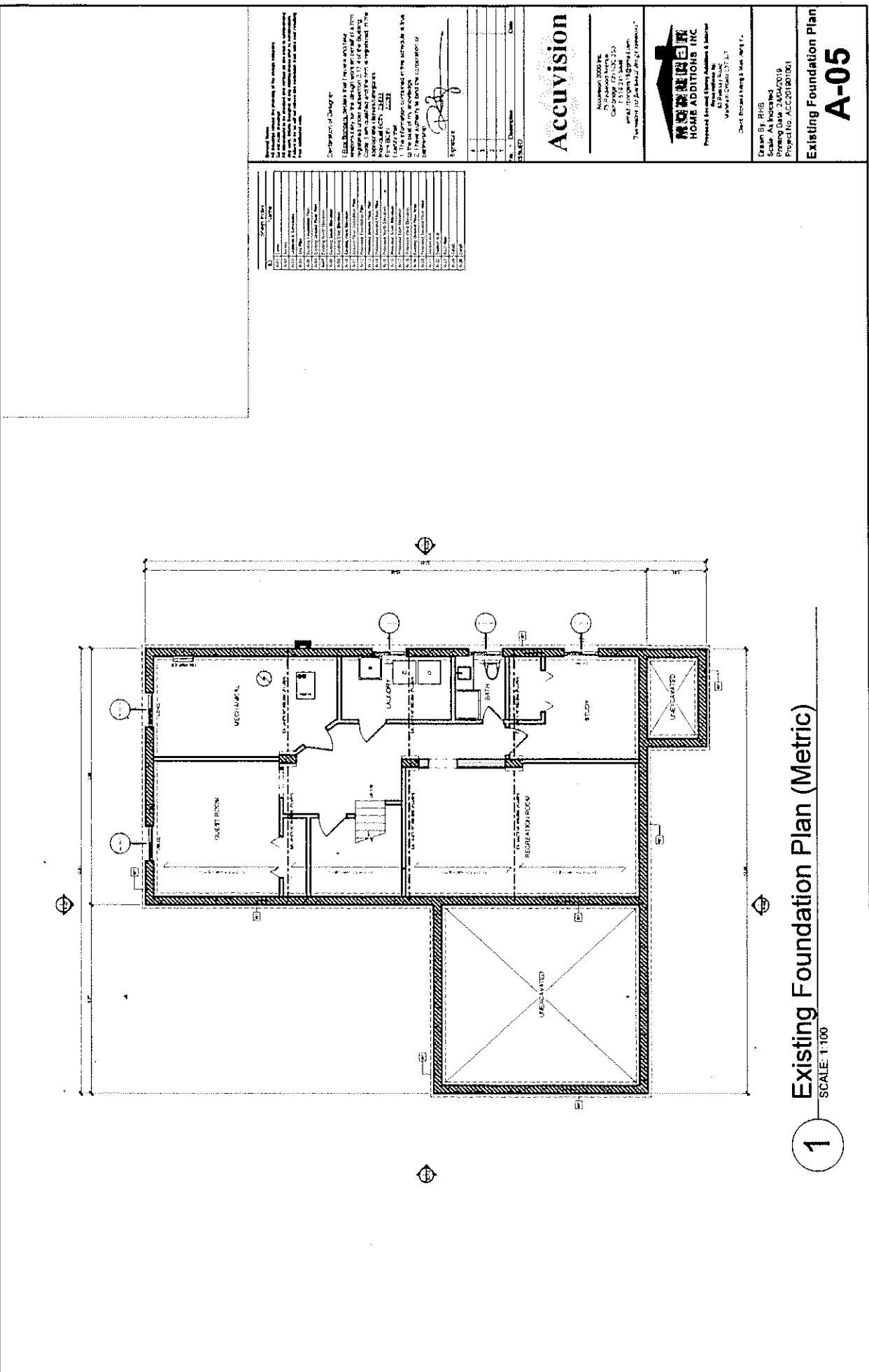
C-52
CHARTERED
1911-1952

LINEAR
HOME ADDITIONS
and Second Story Additions
Residential &
Commercial
Dwelling Units
Worship Centers 1-3-7

39F RHB
united
Date 24/04/2019
No. ACC201901001

A-03



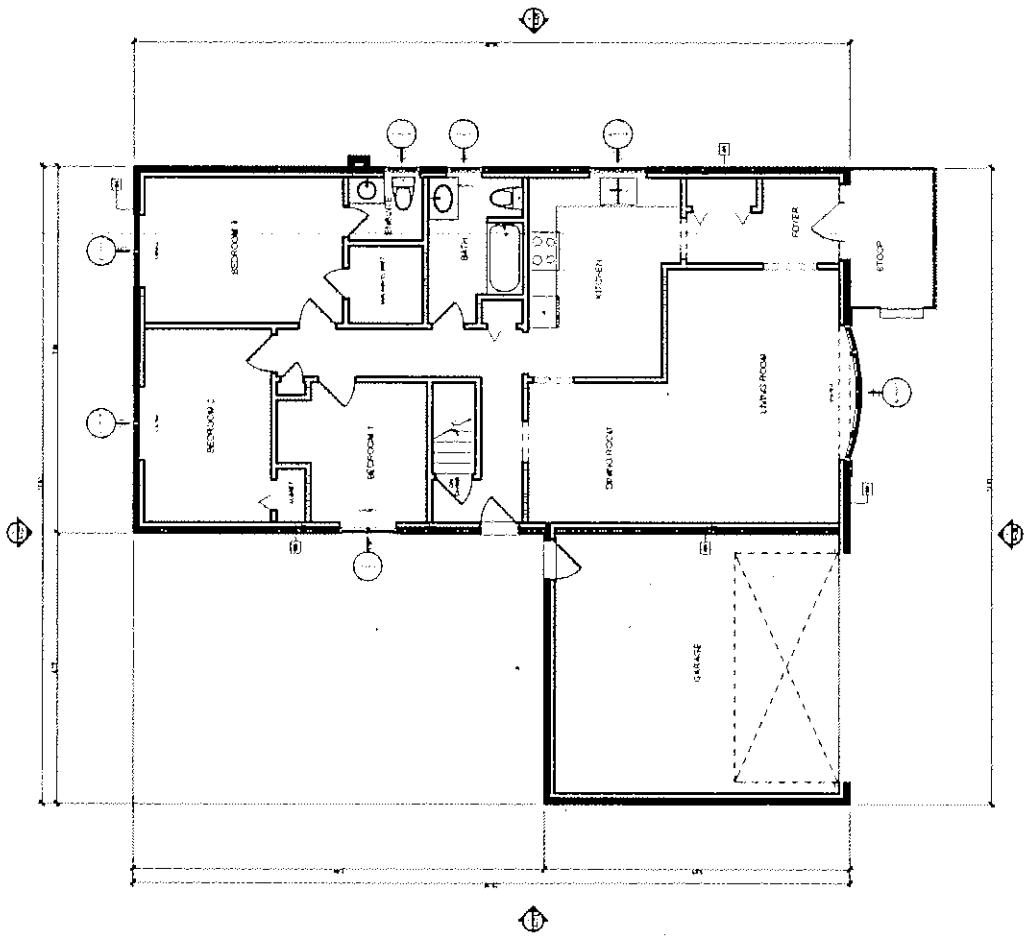


A-06

Existing Ground Floor Plan

1 Existing Ground Floor (Metric)

SCALE: 1:100



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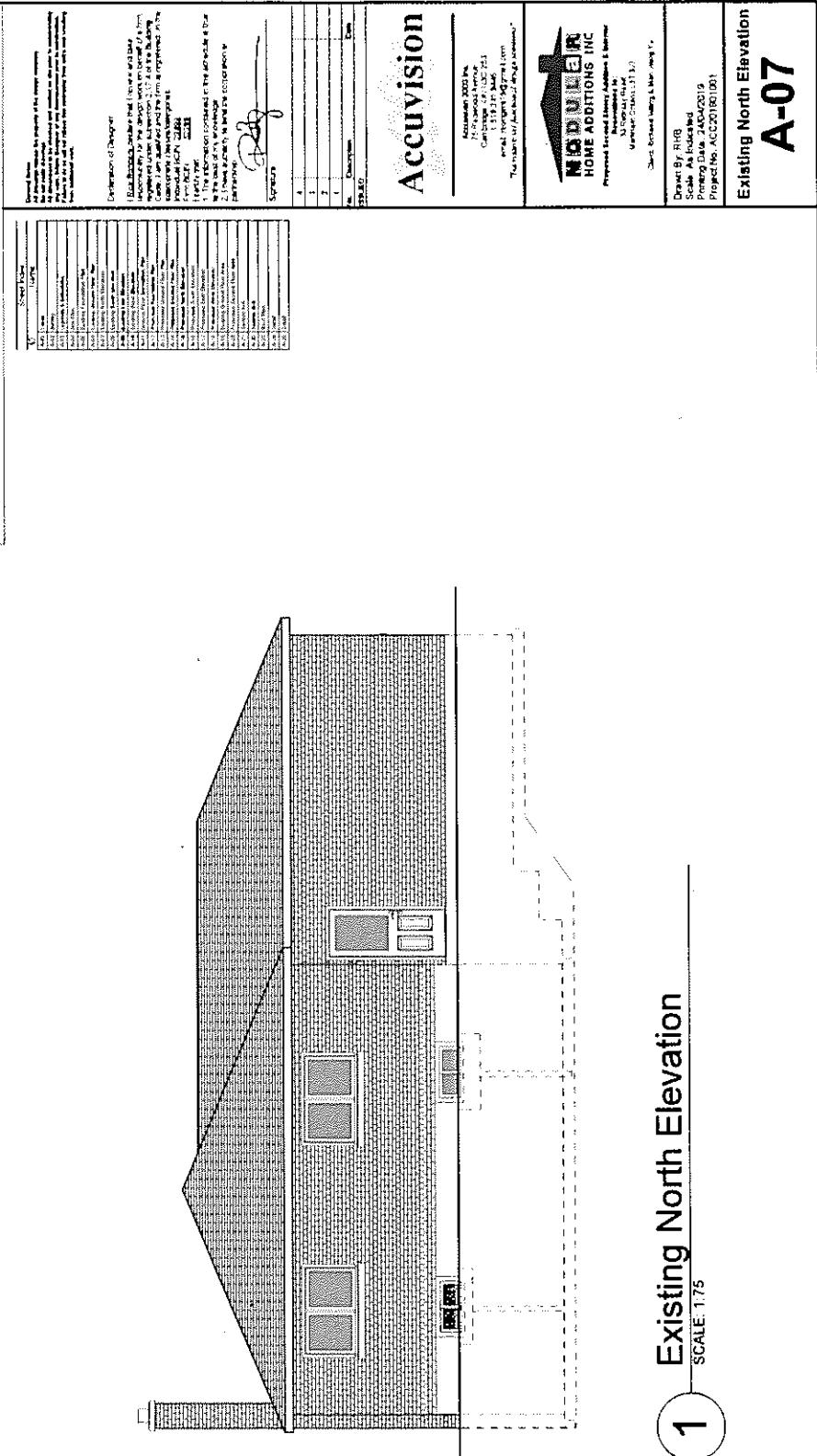
Accuvision 2000 Inc.
Carrollton, TX 75006-2623
1-800-334-8888
Dedicated to Quality Construction



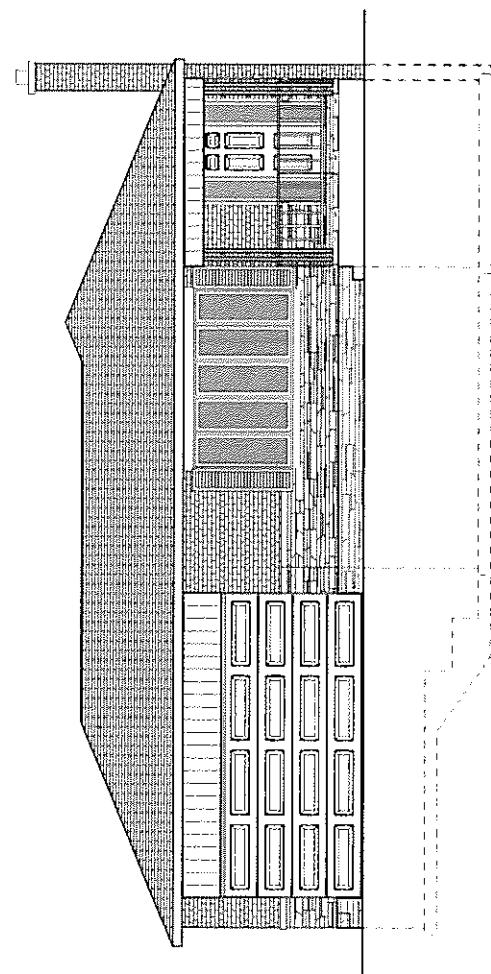
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Carrollton, TX 75006-2623
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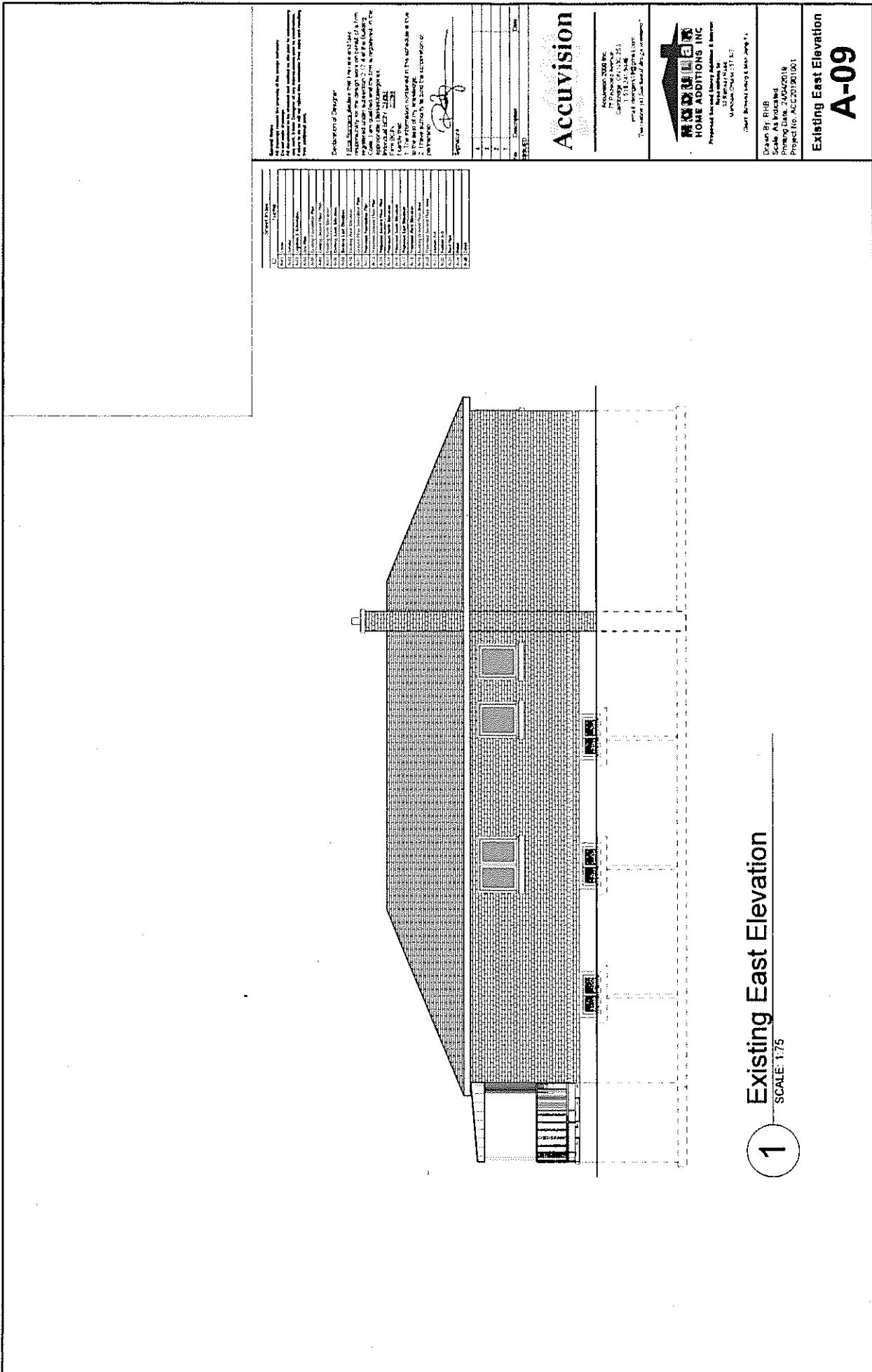
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Scale As Indicated
Print Date: 24/04/2019
Project No: ACC201901001

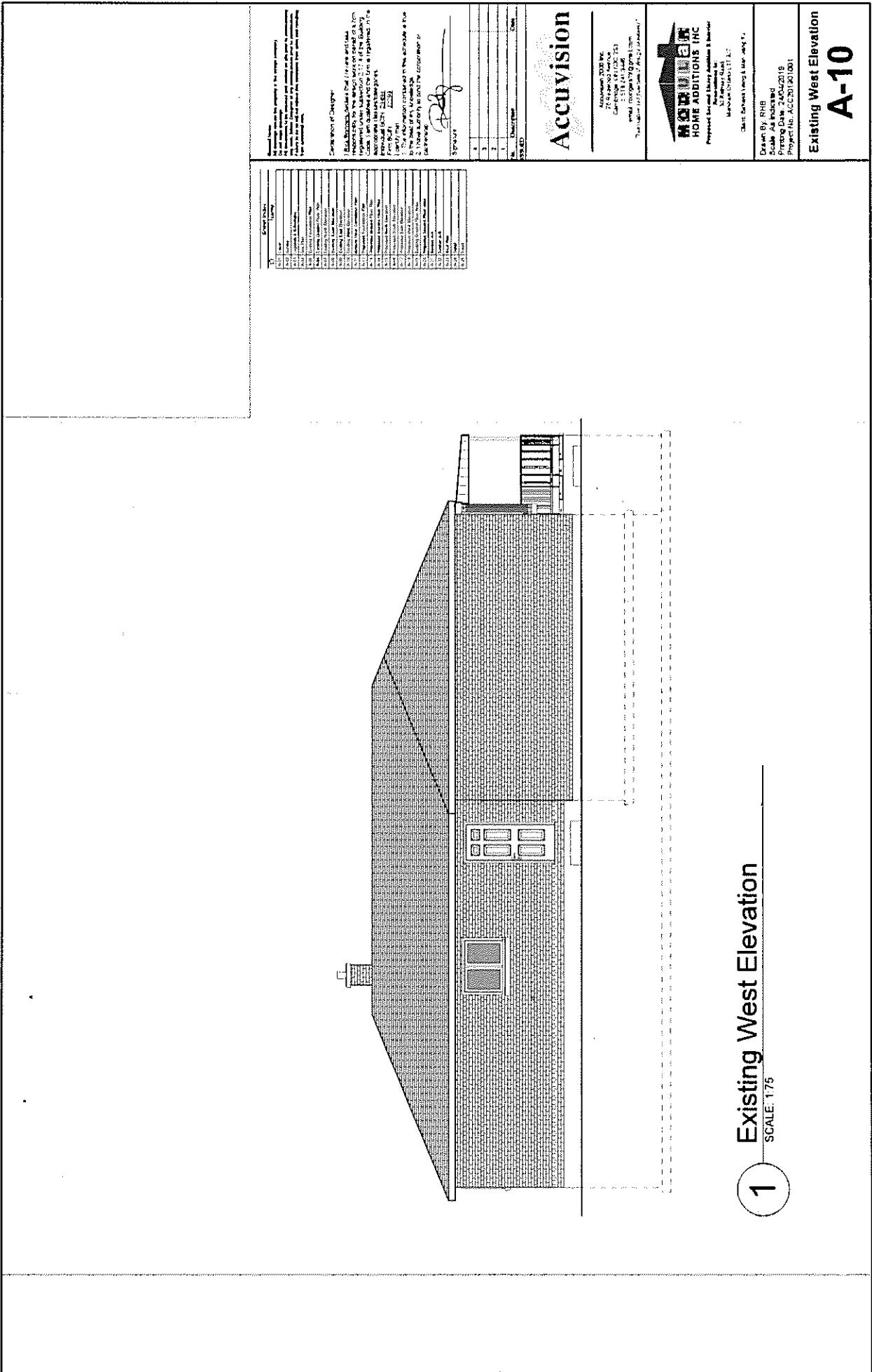


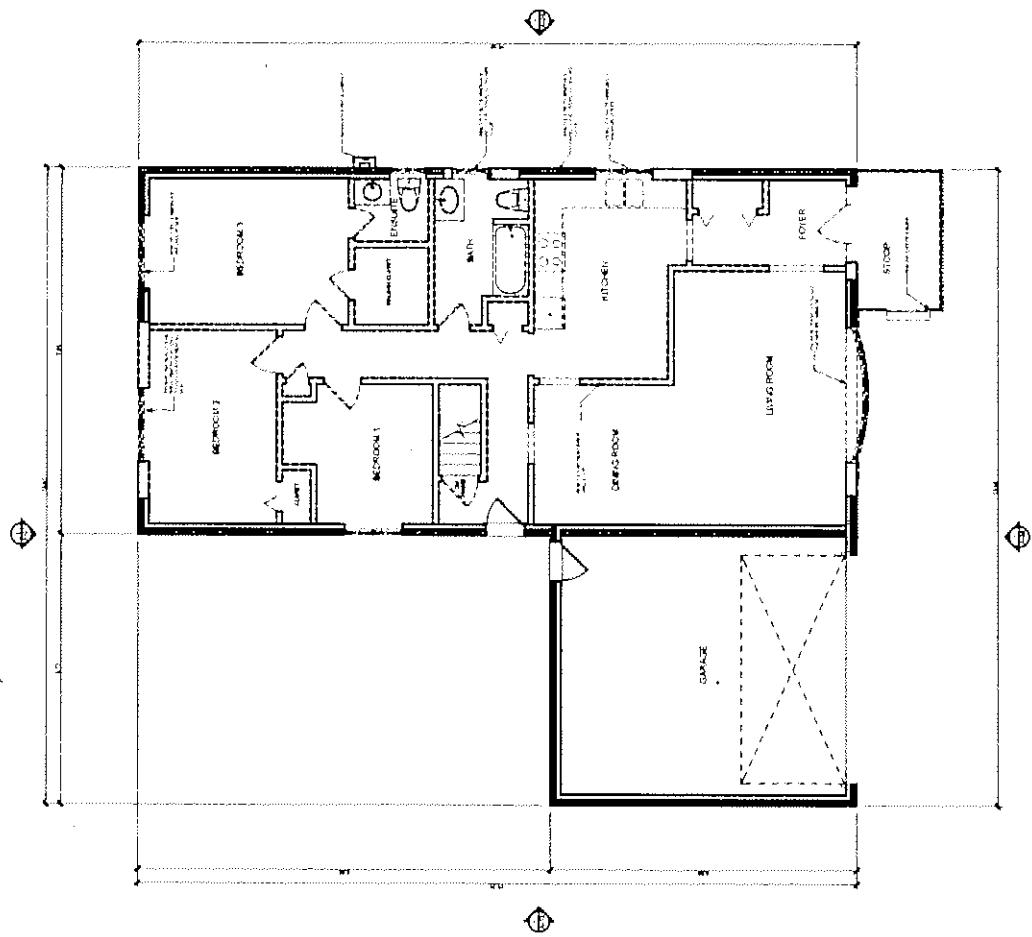
Existing North Elevation



Existing South Elevation







Ground Floor Demolition Plan (Metric)

SCALE: 1:100

1

1

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A-11

Ground Floor Demolition Plan

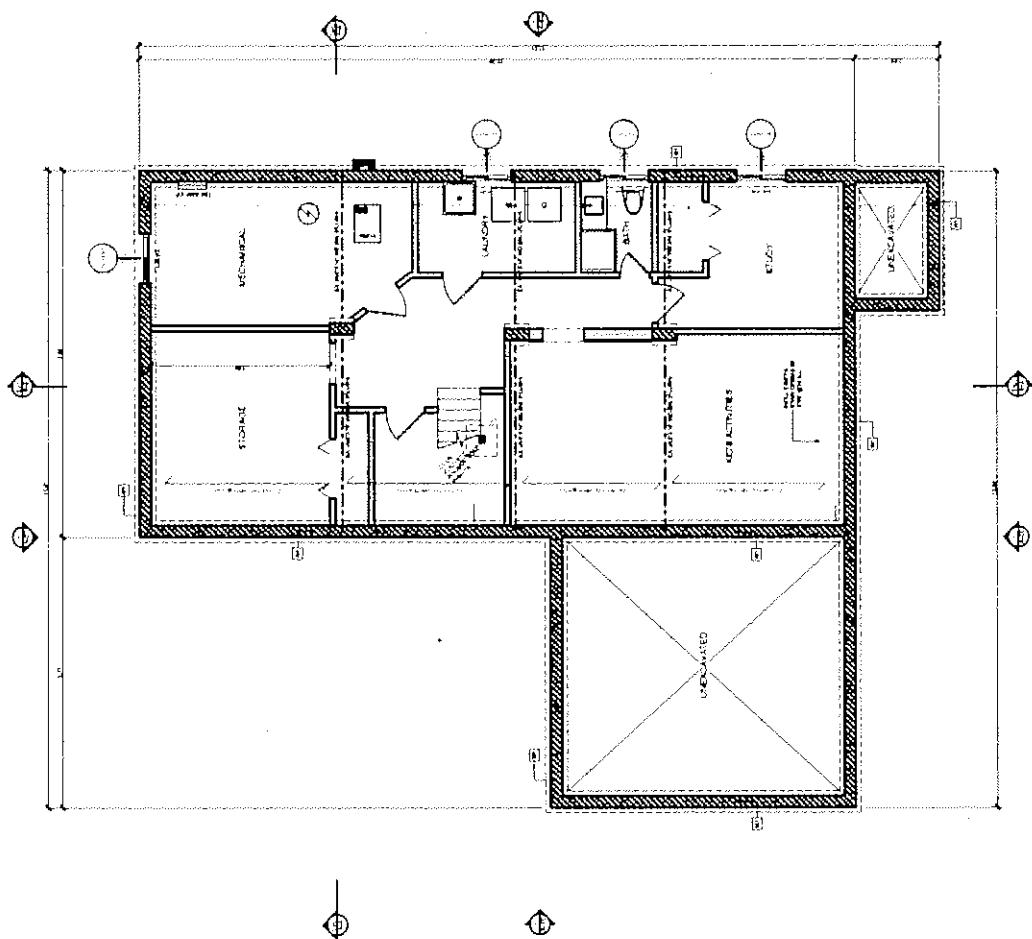
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Printed Date 24/06/2019
Project No. ACC20150101

A-1

Proposed Foundation Plan (Metric)

SCALE: 1:100

1



Signature of Designer	
Signature of Project Manager	
Signature of Owner	
Signature of Accuvision	
Accuvision 2020 Inc. Project No. ACC-2019010 Carrying Date: 01/10/2019 Printed Date: 01/10/2019 File Name: ACC-2019010 This drawing is for the exclusive use of the client.	
HOME ADDITIONS INC Proposed Home Additions & Renovations 100-1000 10th Street, Kamloops BC V2C 0A1 Phone: 250-375-1177 Fax: 250-375-1177 Email: info@homeadditionsinc.com	
Drawn By: RHB Scale As Indicated Printed Date: 20/01/2019 Project No: ACC-2019010	
Proposed Foundation	Plan

A-12

Proposed Ground Floor Plan (Metric)

SCALE: 1:100

This architectural floor plan illustrates a modern house layout. The main entrance leads into a central hallway. To the left is a large L-shaped KITCHEN and BREAKFAST ROOM, featuring a central island and a large window. To the right of the hallway is a BATHROOM. Further along the hallway, there is a formal DINING ROOM and a larger OPEN PLAN room containing a LIVING ROOM and a KITCHEN area. A central STAIRS provides access to the upper level. On the right side of the main level, there is a large REAR PORCH and a carport labeled 'CARPORT'. The upper level includes a large BEDROOM with an attached BATHROOM, a smaller BEDROOM, and a BATHROOM. The plan also shows various exterior features like a swimming pool, a deck, and landscaping elements.

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Scale Asnotated
Printing Date 24/04/2010
Project No. ACC201001001

A-13

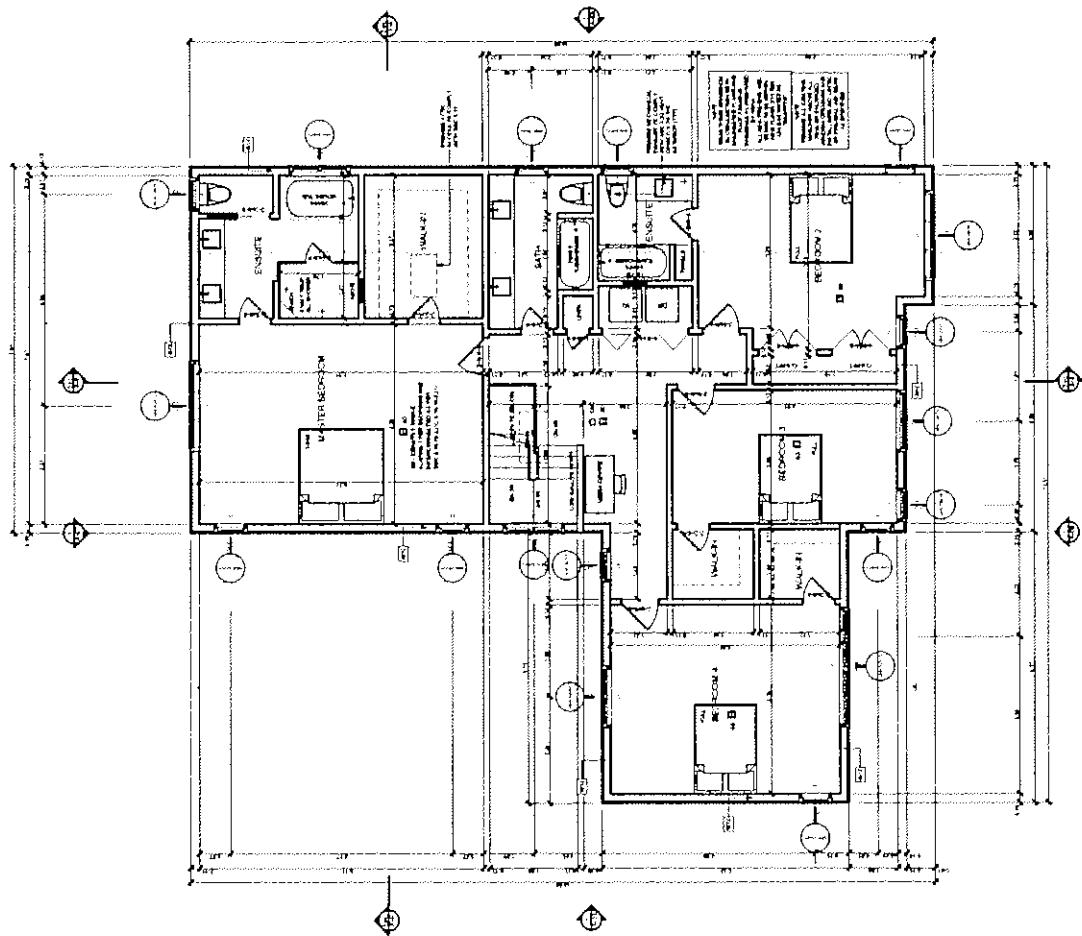
A-14

Proposed Second Floor Plan

Proposed Second Floor Plan (Metric)

SCALE: 1:100

1



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Architectural Services
Computer-Aided Design
Printed & Hand Drawn
Technical & Residential Drawings



**MODULAR
HOME ADDITIONS INC.**
Proposed Second Floor Plan
Drawing Date: 10/10/2019
Scale: 1:100
Printed Date: 10/10/2019
Project No: ACC-201901001

Drawn By: RHB

Scale: As Indicated

Printed Date: 10/10/2019

Project No: ACC-201901001

Proposed Second Floor Plan

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HOME ADDITIONS INC
Professional Home Remodeling & Construction
New residential & commercial
St. Catharines & Welland
Waterloo Guelph Cambridge
Dundas Galt Brantford
Galt Waterloo Kitchener
Brantford London St. Thomas
Galt Waterloo Kitchener
Brantford London St. Thomas

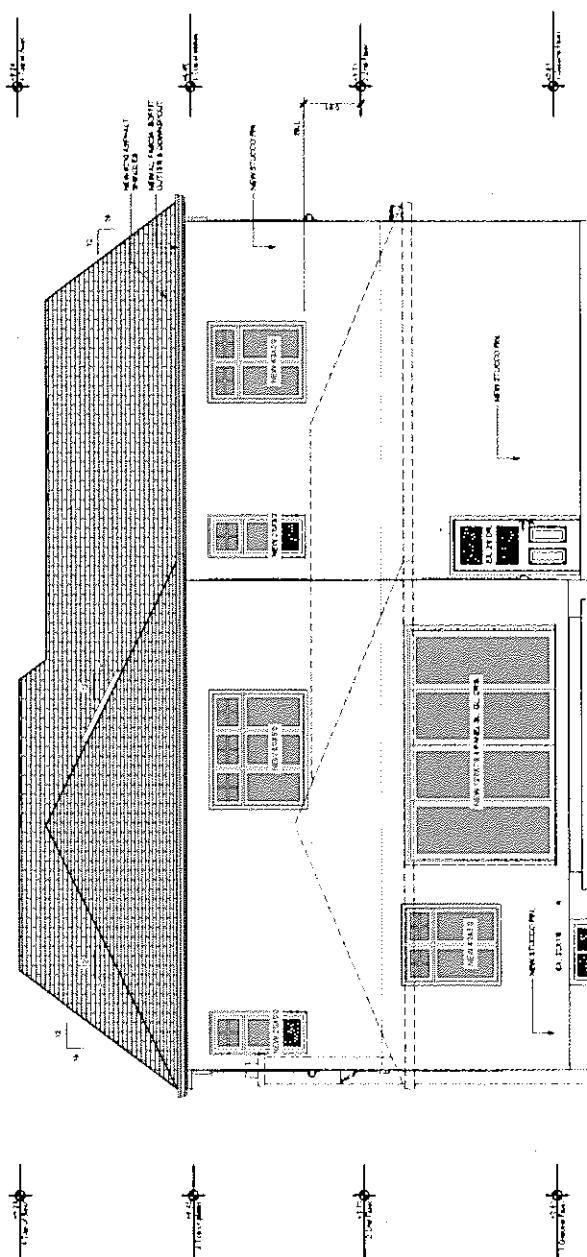
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Scale As Indicated
Drawing Date: 24/04/2019
Project No: ACC201901001

Proposed North Elevation
A-15

1

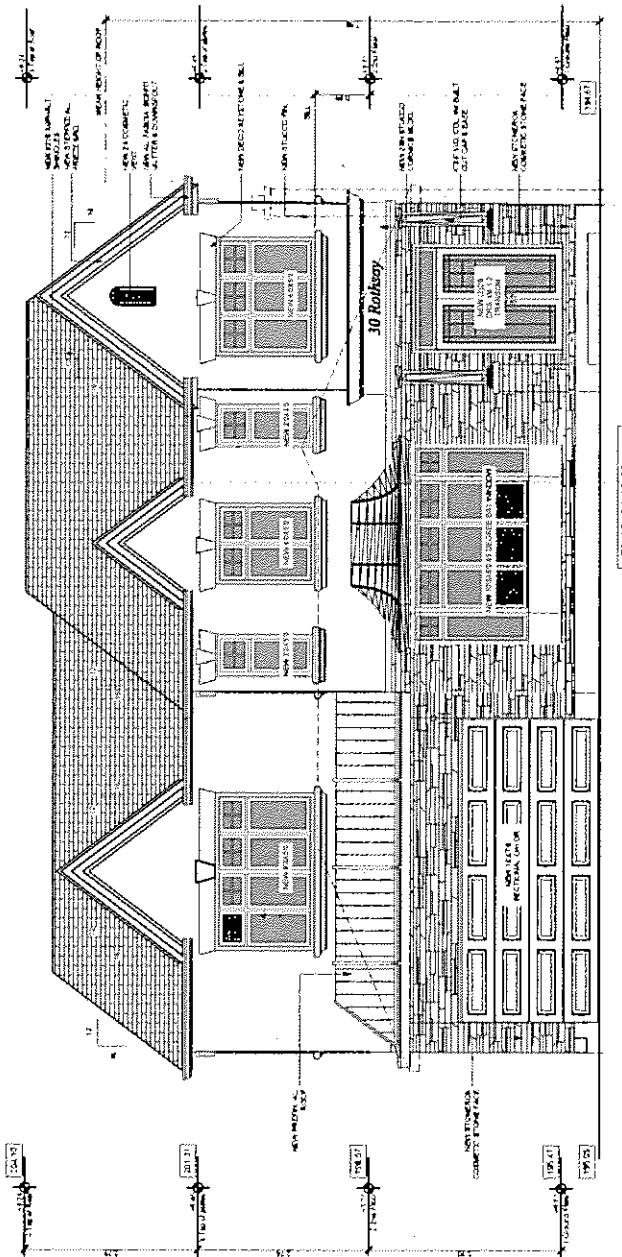
SCALE: 1:75

Proposed North Elevation (Metric)



Proposed South Elevation (Metric)

SCALE 1:75



Accusation



Proposed Second Library Addition & Refurbishment
New address to be
21 Rutherford Road,
Markham, Ontario L3T 2C7
Chair: Dennis J. O' Brien, Acting P.A.

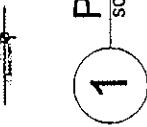
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Project No. AGC201301301

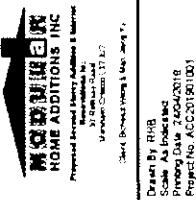
A-16

Proposed East Elevation (Metric)

SCALE: 1:75

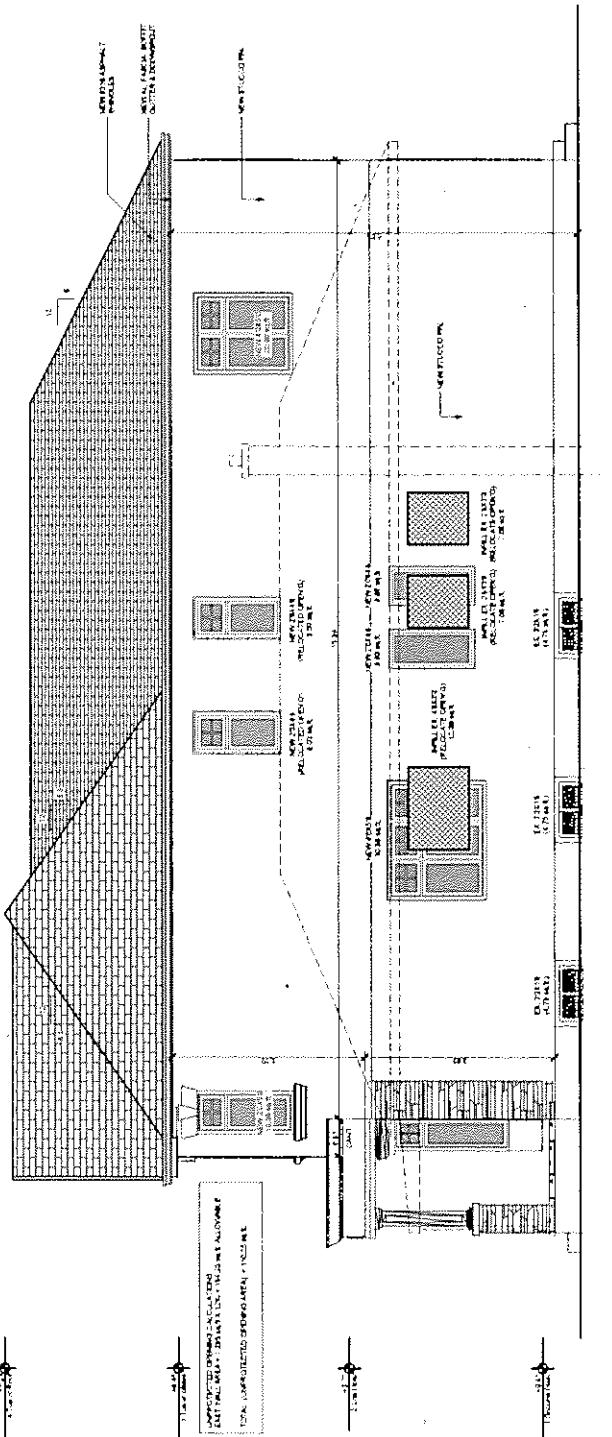


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Proposed East Elevation A-17

A



A-18

Proposed West Elevation

1

Proposed West Elevation (Metric)

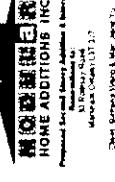
SCALE 1:75

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Architectural Drawing Services & Design

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info@accuvision.com



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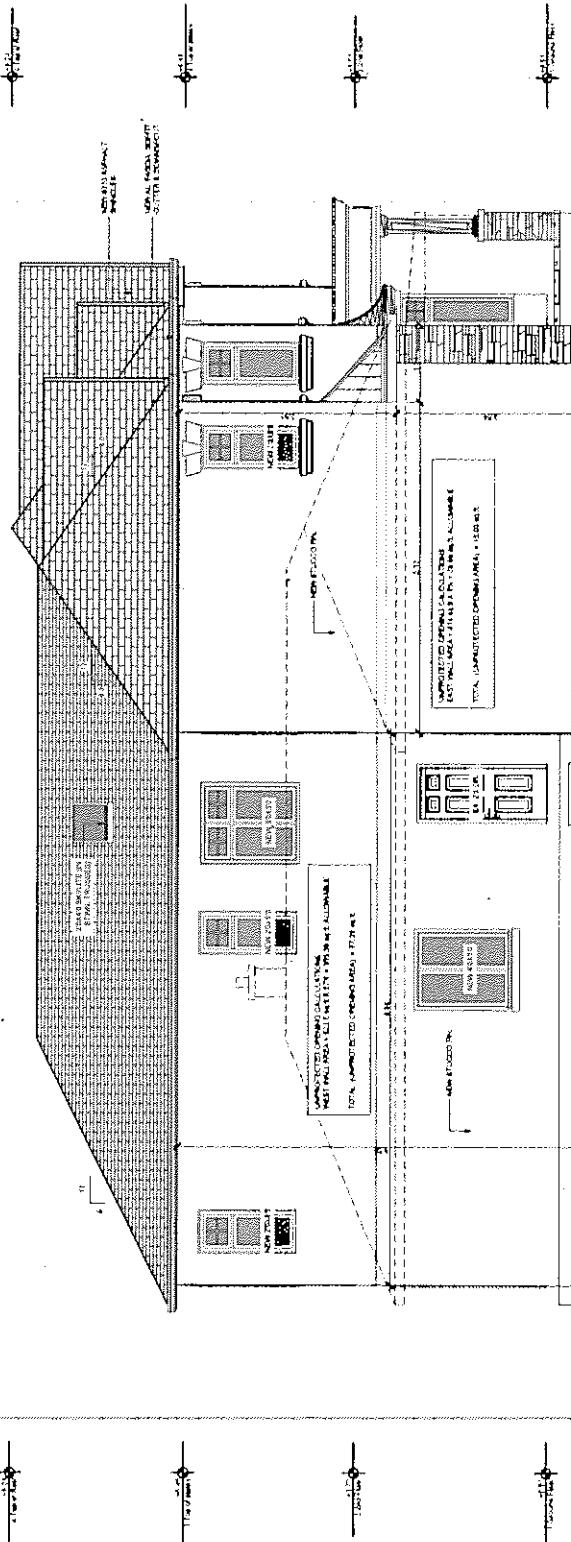
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Drawn By: RNB

As Indicated

Printed Date: 2/20/2018

Project No: ACC201901001

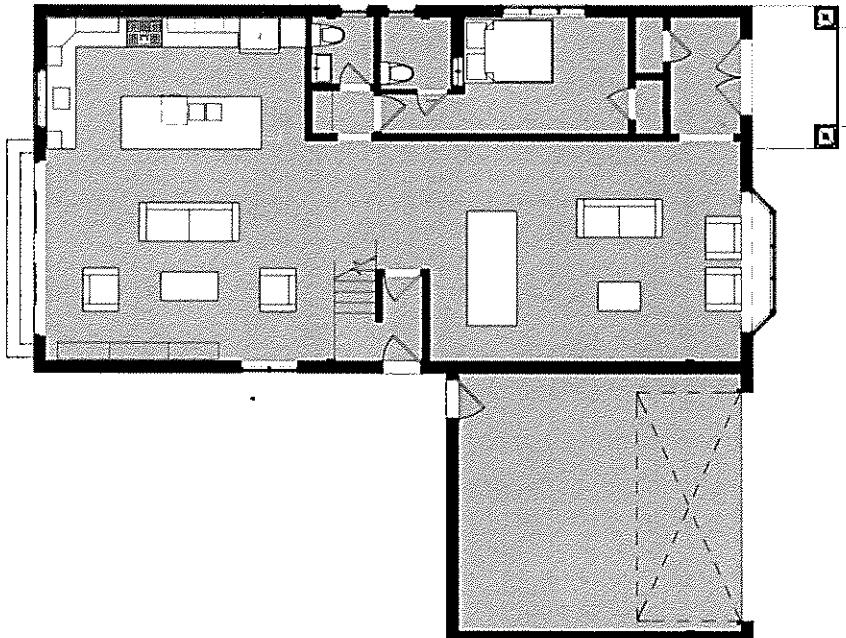


A-19

Existing Ground Floor Area (Metric)

1

SCALE: 1:100



Existing Ground Floor Area
002
A: 156.59 m²

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MODULINE
HOME ADDITIONS INC.
Proposed New and Existing Additions & Renovations
Modular, Custom, Remodeling, Additions, Kitchen, Bath,
Decks, Porches, Living & Dining Areas
1-800-227-1112

Drawn By: RHE
Scale As Indicated
Printing Date: 7/4/2019
Project No.: ACC01901001

**Existing Ground Floor
Area**

Proposed Second Floor Plan (Metric)

Proposed SCALE: 1:100

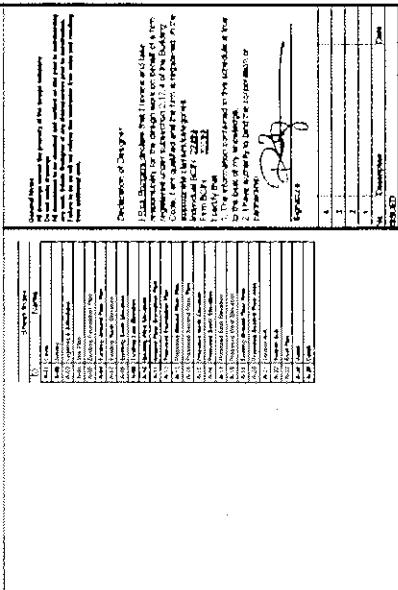


Proposed Second Floor Area

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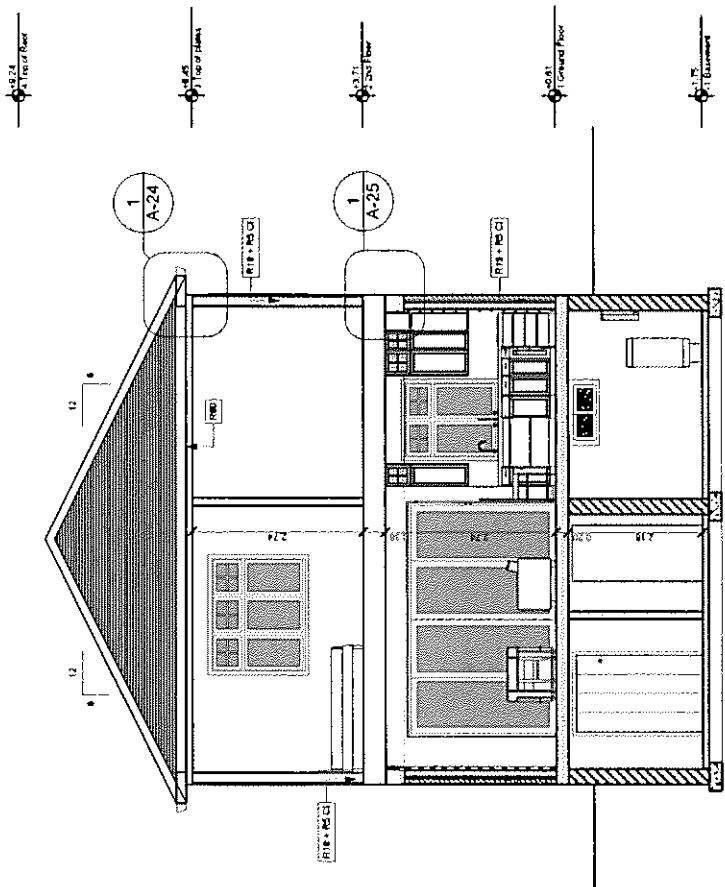
Academy 7000 Inc.
750 University Avenue
Copenhagen 1211 (DK-75)
tel. 353 281 4000
email: info@academy7000.com
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**Proposed Second Floor
Area**

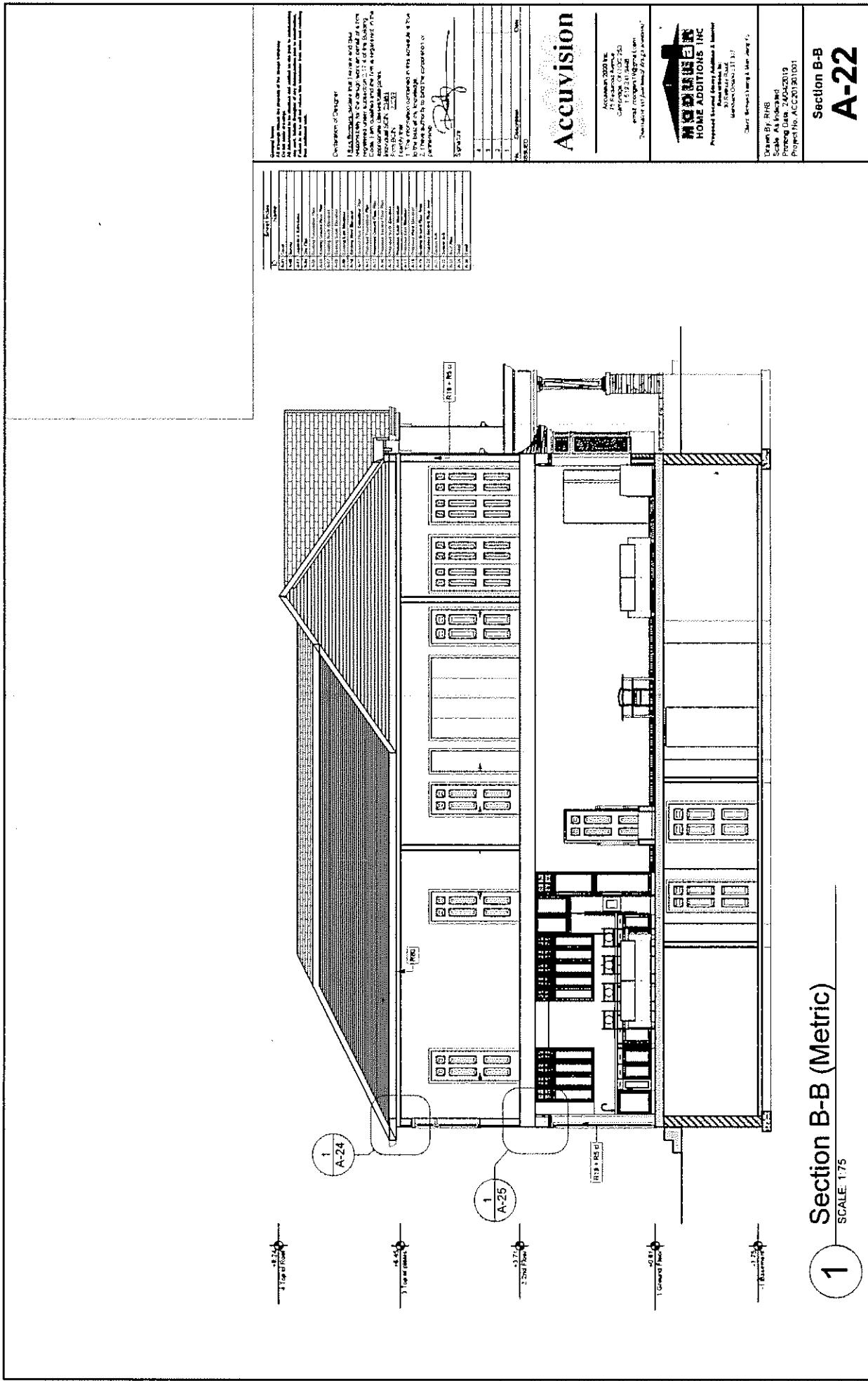


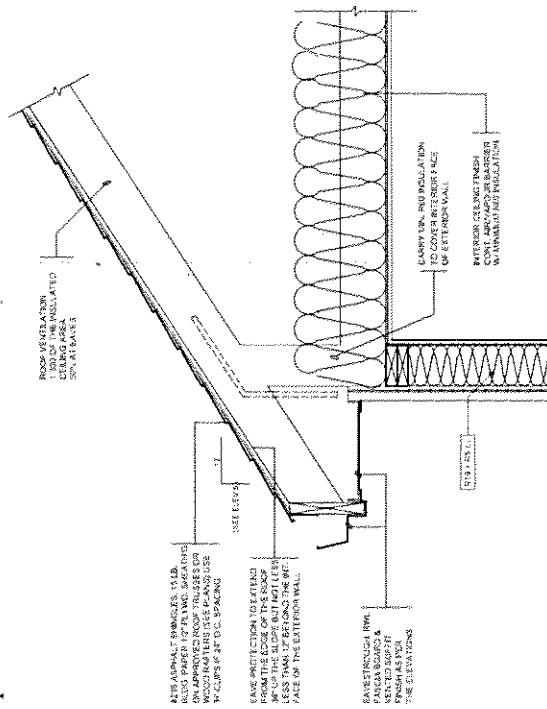
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A-21



Section A-A (Metric)





Eave Detail - (Stucco) Metric

Eave
SCALE: 1:15

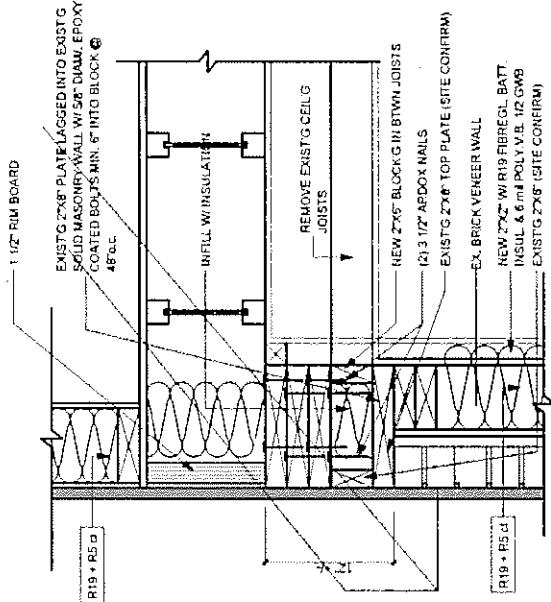
Eave
SCALE: 1:15

Acculturation

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1

A-24



1 Header Detail (Metric)

1
SCALE: 1:30

Accuvision

System

Date

Comments

Specs

Notes

Drawings

Links

Comments

Notes

Specs

Comments

Notes

Specs

Links

Comments

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Comments

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Specs



Drawn By: RLB
As Performed
Scale:
Printed Date: 2/05/2019
Project No: ACC201801001

A-25

Detail