Memorandum to the City of Markham Committee of Adjustment

June 24, 2019

File:

A/59/19

Address:

20 Pheasant Valley Court, Thornhill

Applicant:

Arcica Inc.

Agent:

(none)

Hearing Date:

Wednesday July 10, 2019

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

The applicant is requesting relief from the following requirements of By-law 2237, R4 as amended:

a) Amending By-law 101-90, Section 1.2(viii):

a proposed floor area ratio of 53.93 percent, whereas the By-law allows a maximum floor area ratio of 50 percent;

b) Amending By-law 101-90, Section 1.2(i):

a proposed building height of 9.58 metres, whereas the By-law allows a building height of 8.6 metres:

c) Section 6.1:

a proposed front yard setback of 19 feet (5.8 metres), whereas the By-law requires a minimum front yard setback of 27 feet (8.2 metres);

as it relates to a proposed two storey detached dwelling.

BACKGROUND

Property Description

The 580.60 m² (6250 ft²) subject property is located on the north side of Pheasant Valley Court, south of John Street and east of Yonge Street. 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 developments. There is an existing one-storey detached dwelling on the property, which according to assessment records was constructed in 1969.

Proposal

The applicant is proposing to construct a new two-storey detached 313.14 m² (3370.61 ft²) dwelling on the property. The proposal also includes a rear deck and rear basement walkout.

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. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing, and setbacks to ensure that the development is appropriate for the site and also general consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation and the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 2237

The subject property is zoned R4 – "Fourth Density Single Family Residential" under By-law 2237, as amended, which permits a single detached dwelling.

Residential Infill Zoning By-law 101-90

The subject property is also subject to the Residential Infill Zoning By-law 101-90. 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 maximum building height, maximum floor area ration, and front yard setback.

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, "The design won't be achieved without requested variances."

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has <u>not</u> been conducted. 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.

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:
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 53.93 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 313.14 m² (3370.61 ft²), whereas the By-law permits a dwelling with a maximum floor area of 290.30 m² (3124.76 ft²). This represents an increase of approximately 22.84 m² (245.84 ft²) or 7.86 percent.

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling. While the proposed dwelling is larger than existing dwellings, the proposed lot coverage is approximately 28.71 percent, which complies with the maximum 33 1/3 percent lot coverage. Staff are of the opinion that the proposed floor area ratio is minor in nature and will not result in demonstrable adverse impacts on the neighbouring homes.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 9.58 m (31.43 ft), whereas the By-law permits a maximum building height of 8.6 m (28.21 ft). This represents an increase of 0.98 m (3.21 ft), or approximately 11.4 percent.

The By-law calculates building height using the vertical distance of 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 0.58 m (1.91 ft) above the crown of road.

Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 19 ft (5.80 m), whereas the By-law requires a minimum front yard setback of 27 ft (8.22 m). This represents a reduction of approximately 8 ft (2.44 m). The variance is in part attributed to the front covered porch with a cold cellar below, which projects approximately 1.52m (5 ft) and the bay window on the ground floor that projects approximately 0.40 m (1.32 ft). The garage has a setback of approximately 27.25 ft (8.33 m). The main front wall of the building provides a front yard setback of 25.87 ft (7.88 m) and is generally consistent with the established front yard setback pattern on the street.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 26, 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 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.

PREPARED BY:

Hailey Miller, Planner, Zoning and Special Projects

REVIEWED BY:

David Miller, Development Manager, West District

File Path: Amanda\File\ 19 124329 \Documents\District Team Comments Memo

APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/59/19

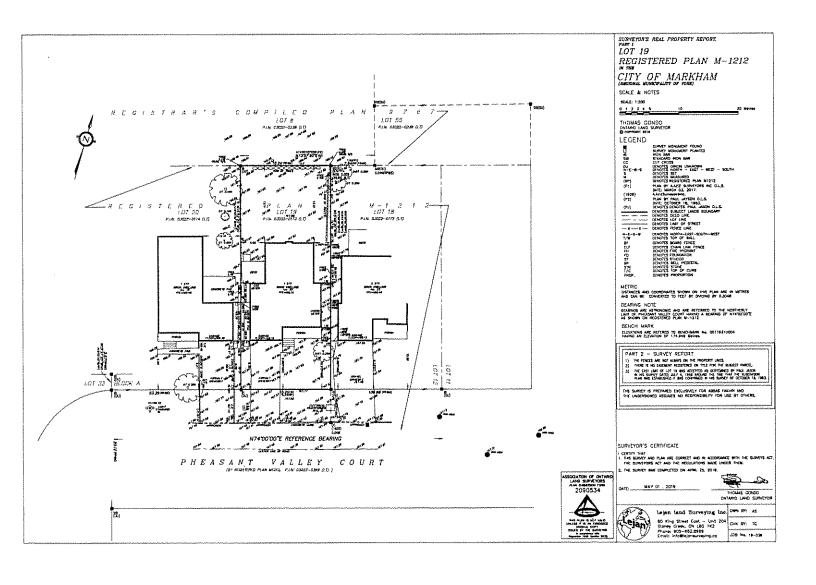
- 1. The variances apply only to the proposed development as long as it remains;
- 2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on June 14, 2019, and that the Secretary-Treasurer 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. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate.

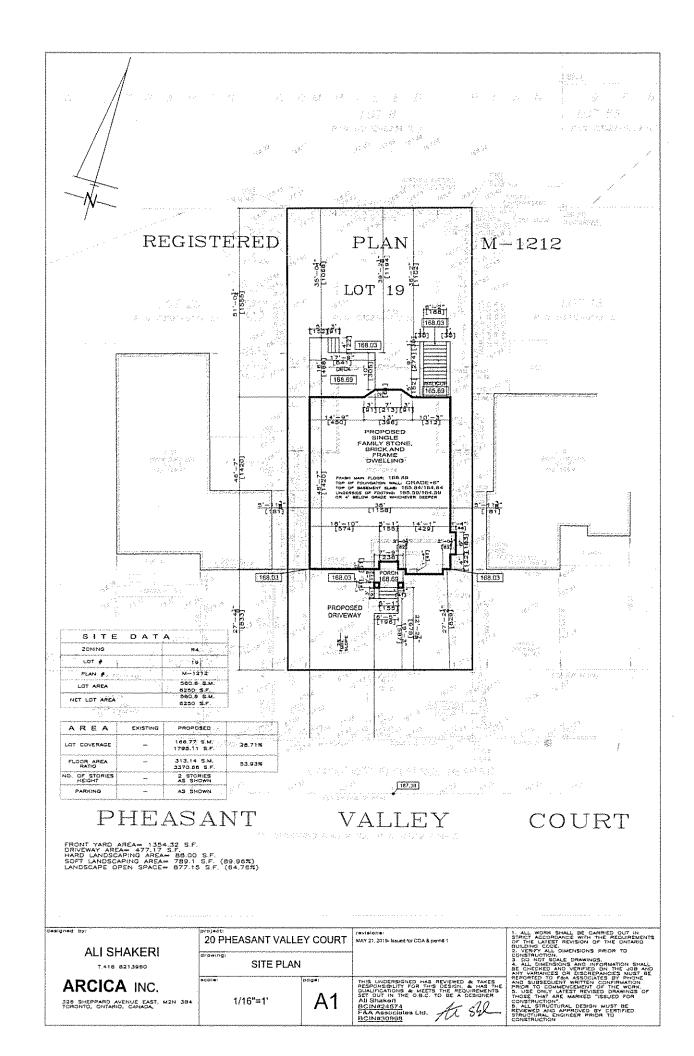
CONDITIONS PREPARED BY:

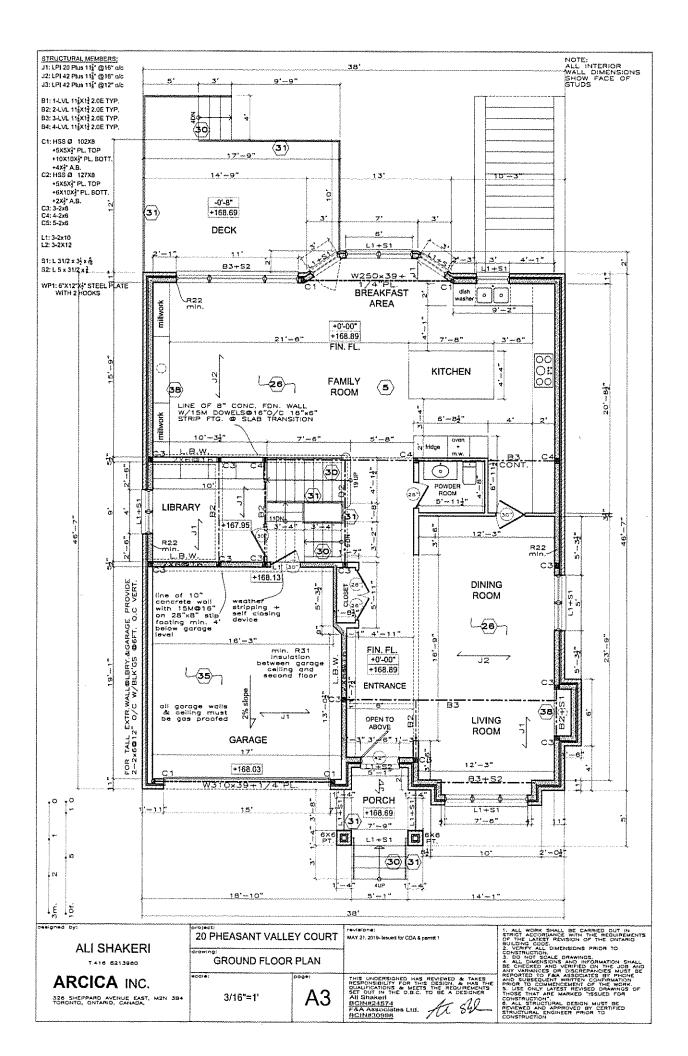
Hailey Miller, Planner, Zoning and Special Projects

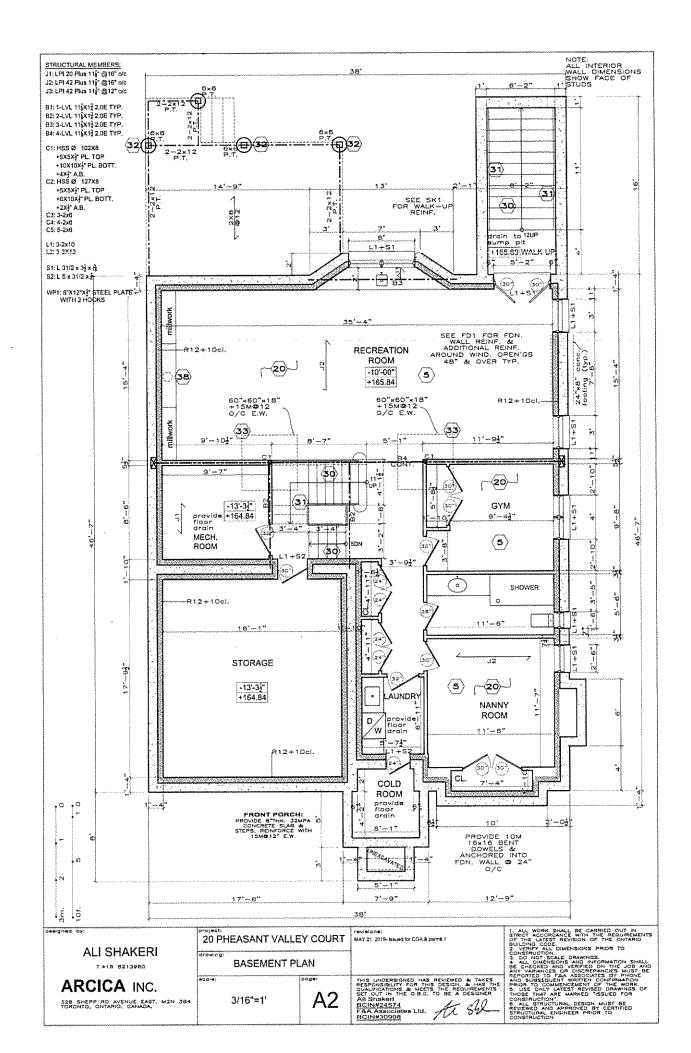


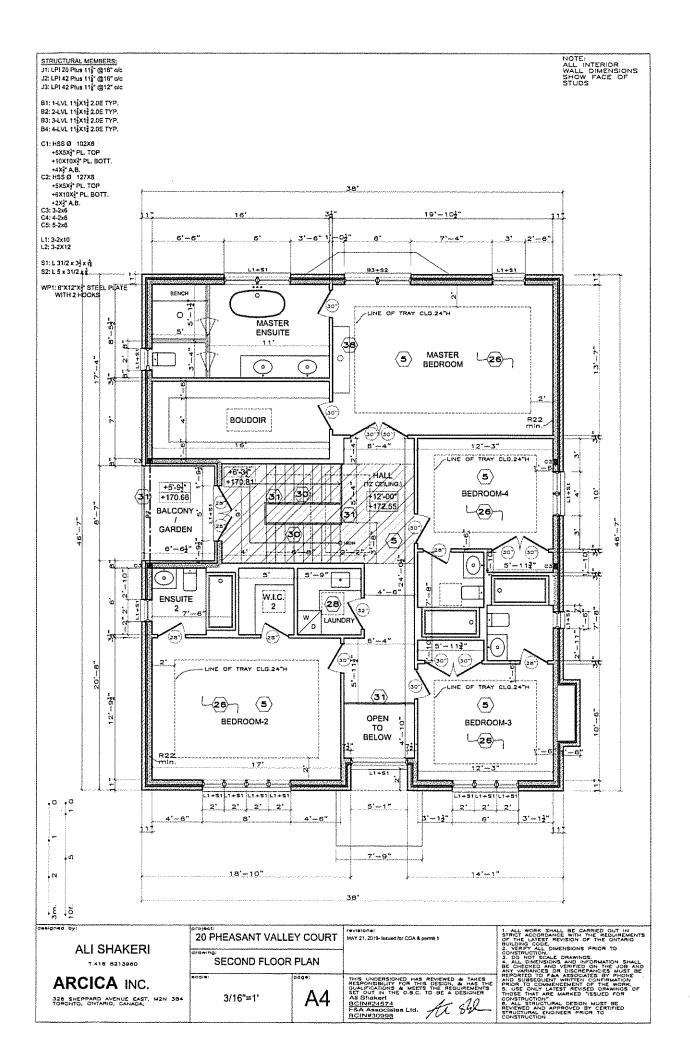
APPENDIX B

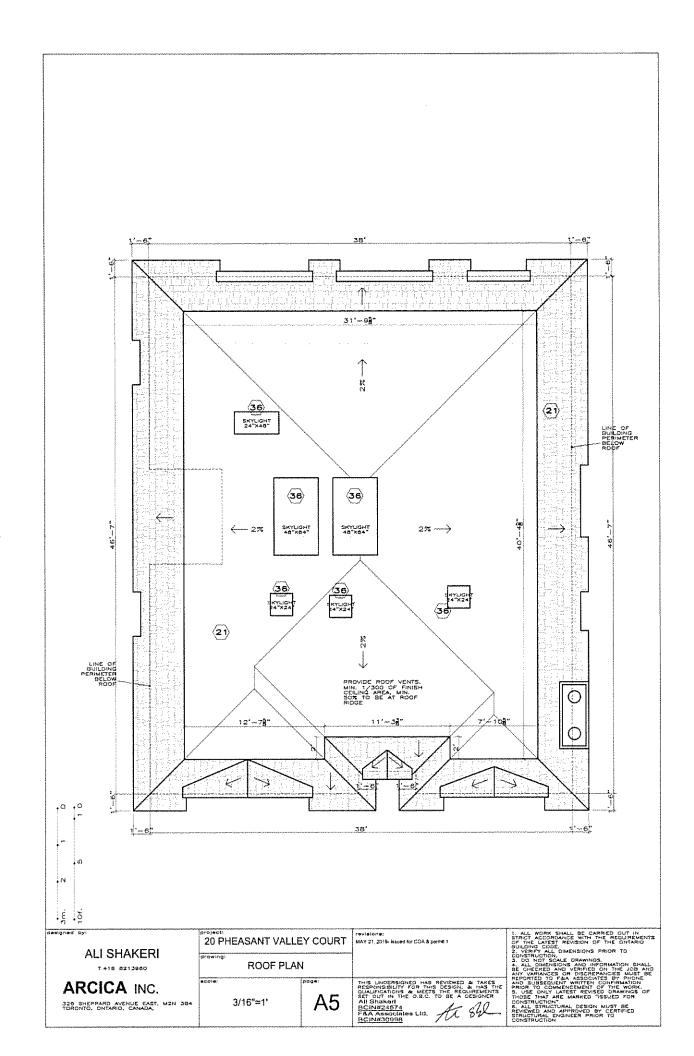


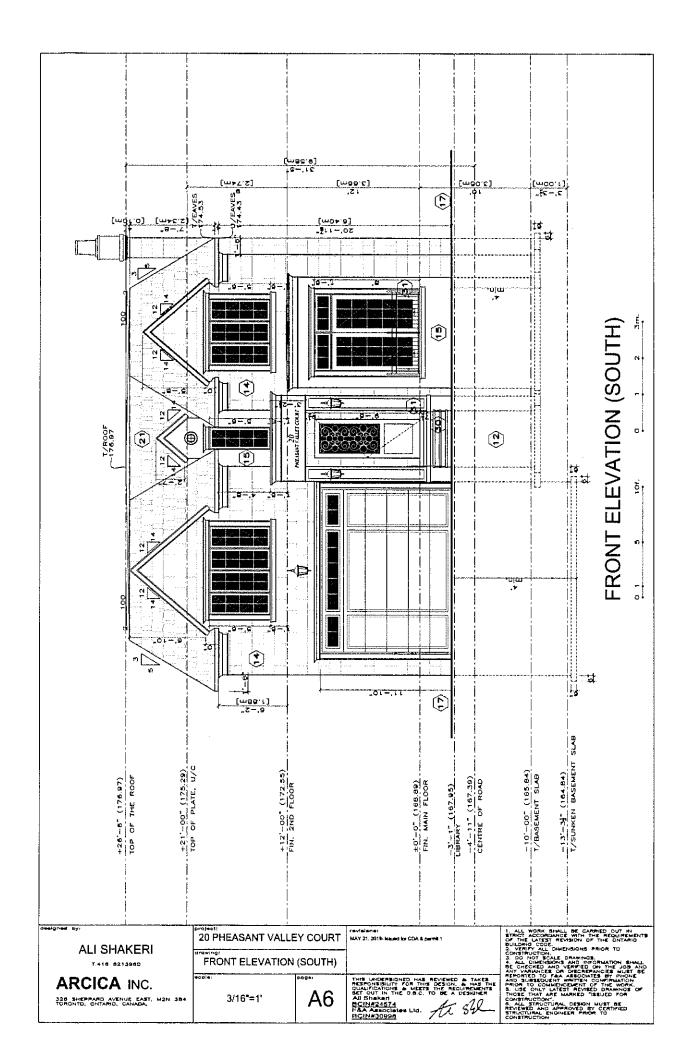


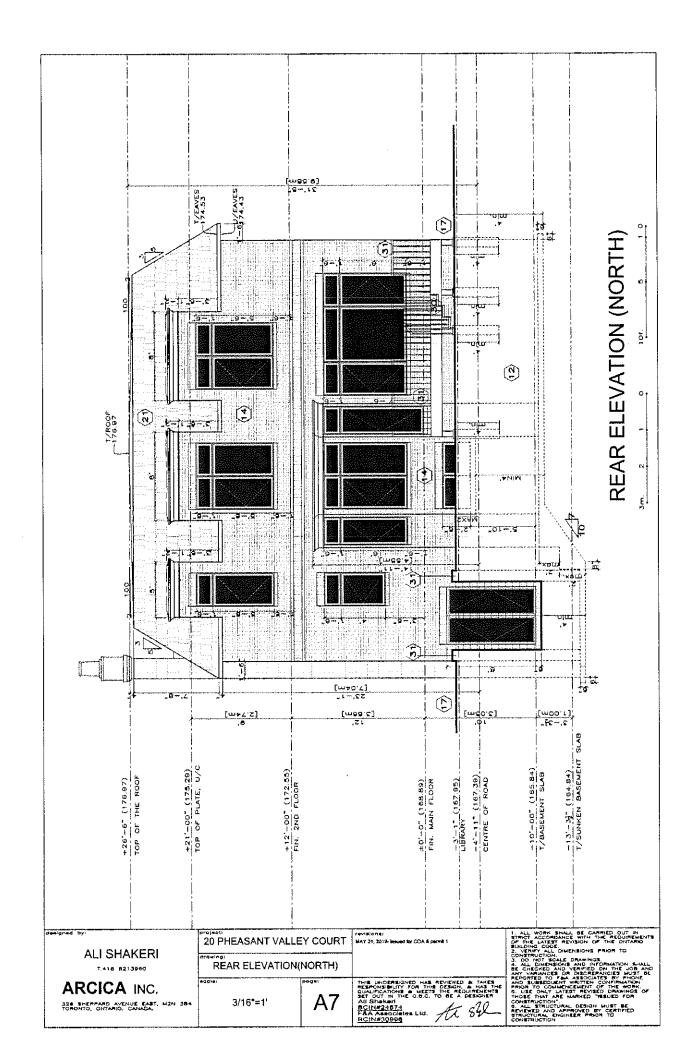


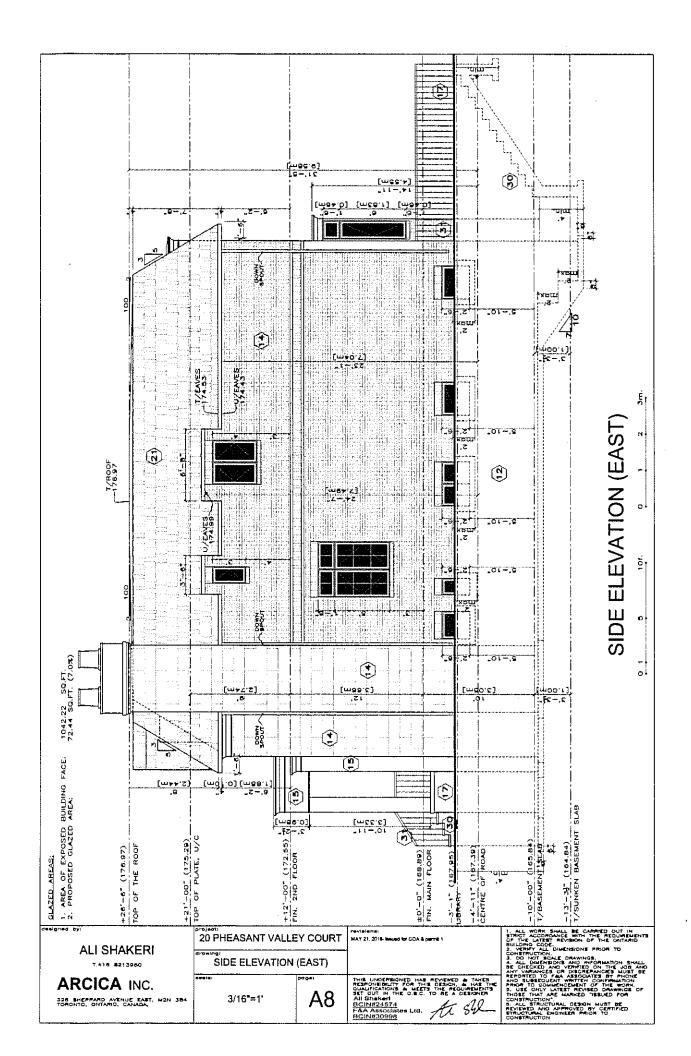


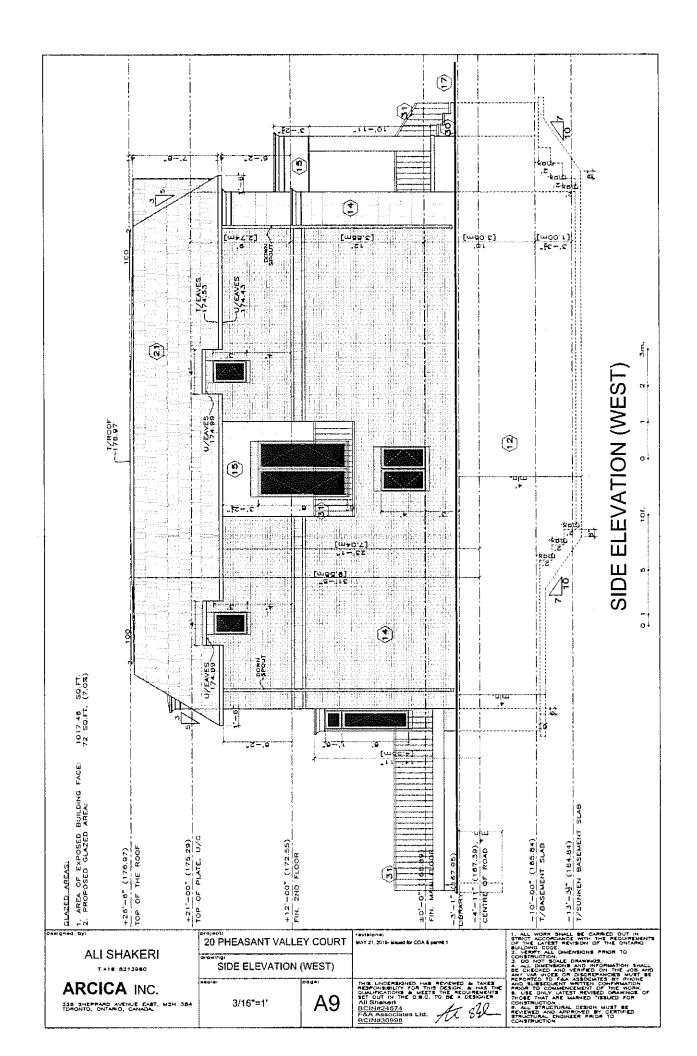


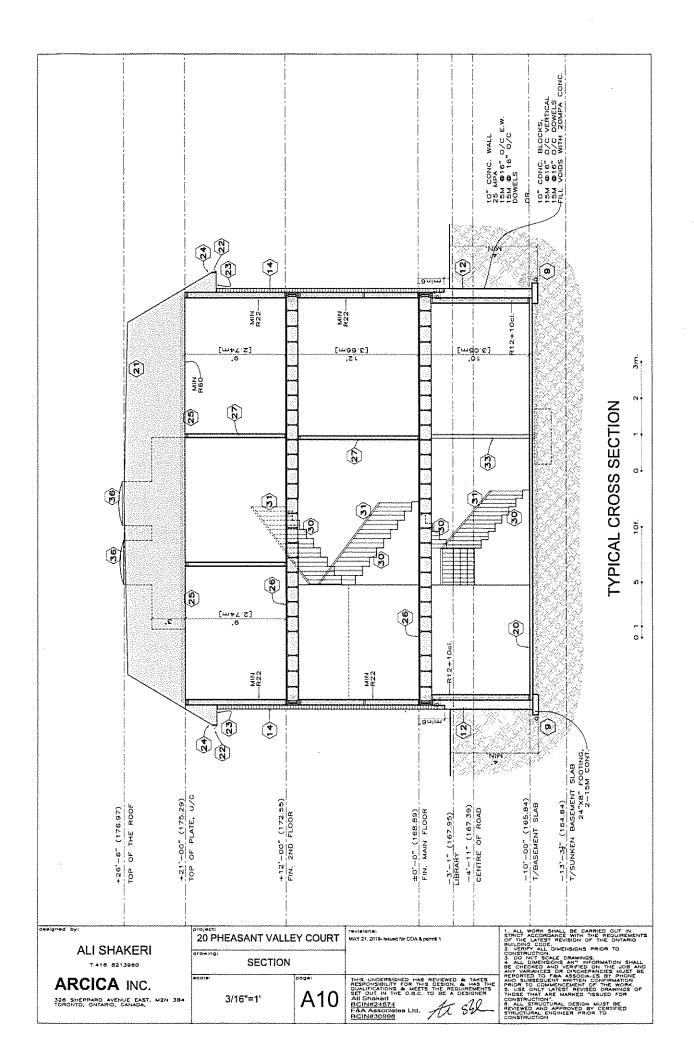












CONSTRUCTION SPECIFICATIONS

- 1. GENERAL: ALL DIMENSION TO BE CONFIRMED ON SITE AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO THE DESIGNER BY PHONE AND SUBSEQUEST WRITTEN NOTICE PRIOR TO COMMENCEMENT OF THE JOB
- 2. GENERAL: ALL WORK SHALL BE CARRIED OUT WITH STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE O.B.C.
- 3. GENERAL: ALL STRUCTURAL LUMBER TO BE #1 OR #2 SPRUCE-PINE-FIR CONSTRUCTION GRADE, UNLESS OTHERWISE SPECIFIED
- 4. GENERAL: ALL LUMBER TO BE SUPPORTED MIN. 6" ABOVE FINISH GRADE UNLESS PRESSURE TREATED OR SEPARATED FROM CONCRETE BY DAMPPROOFING MATERIAL
- 5.GENERAL: SMOKE ALARMS AND CARBON MONOXIDE ALARMS SHALL BE INSTALLED AS PER O.B.C. 9.10.19 & O.B.C. 9.314. SMOKE ALARMS SHALL BE INSTALLED ON ALL FLOORS AND IN EVERY BEDROOM. CARBON MONOXIDE ALARM IS REQUIRED FOR THE DETACHED GARAGE CONDITION, ALL SMOKE ALARMS MUST HAVE A VISUAL COMPONENT.
- 6. GENERAL: SURFACE FLAME SPREAD RATING OF ALL INTERIOR FINISHES NOT TO EXCEED 150
- 7. GENERAL: JOINTS BETWEEN SLABS ON GRAD, FOUNDATION WALLS, AROUND PIPES, CONDUITS OR DUCTS THAT PENETRATE SUCH, SHALL BE FILLED W/ BITUMEN RUBBER OR COAL TAR
- 8. GENERAL: FOOTINGS TO BE POURED ON NATURALLY UNDISTURBED SOIL CAPABLE OF BEARING 3 K.S.F. AT MIN. 4-0* CAPABLE OF BEARING 3 R.S.F. AT MIN. 4-19 FEET BELOW GRADE, USE 3600 P.S.C. CONCRETE@ 28 DAYS FOR FOOTINGS AND FOUNDATION WALLS, STEP FOOTINGS HORIZONTAL STEPS SHALL BE MIN. 2-0" AND VERTICAL STEPS SHALL BE NO GREATER THAN 2/3 OF HORIZONTAL STEP TO A MAX. OF 2'-0" AS PER O.B.C. 9.15.3.8. FOOTING OVER TRENCHES TO BE REINFORCED W/ 2-#4 BARS @ 1/3 POINTS
- 9. <u>DRAINAGE:</u> 4" DIAMETER WEEPING TILE W/ 6" CRUSHED STONE COVER
- 10. GENERAL: ALL STRUCTURAL STEEL TO CONFORM TO REQUIREMENTS FOR GRADE 300W STEEL IN CAN.CSA-G40.21, "STRUCTURAL QUALITY STEELS"

11. RESERVED

- 12. CONRCETE: DRAINAGE LAYER OVER 2 COATS OF BITUMINOUS DAMPPROOFING ON POURED CONCRETE FOUNDATION ON PUREY CURCAG 16 FOUNDATION
 WALL, MOISTURE BARRIER TO HEIGHT OF
 EXTERIOR GRADE, 244 WOOD STRAPPING,
 MIN. R12+10 CI BATT INSUL, W/6 MIL FULL
 HEIGHT POLY AIR / VAPOUR BARRIER ON THE WARM SIDE, LEAVE 2" GAP BETWEEN CONC, WALL AND STRAPPING TO ALLOW FOR CENT. INSULATION, 1/2" INTERIOR DRYWALL FINISH
- 13. WALL ASSEMBLY: 4" NATURAL STONE OR BRICK LAYER W/ 0.03 THK, 7/8" WIDE ADJUSTABLE GALVANIZED STEEL TIES INSTALLED W/ GALVANIZED SPIRAL NAILS OR SCREWS 52" O.C. HORIZONTAL 16" O.C. VERTICAL, FILL SPACE BETWEEN THE STONE AND FOUNDATION WALL WITH

- 14. WALL ASSEMBLY: 4" NATURAL STONE OR BRICK LAYER W/ WEEP HOLES AT 31" O.C., 1" AIR SPACE, 0.03 THK, 7/8" WIDE ADJUSTABLE GALVANIZED STEEL TIES INSTALLED W/ GALVANIZED SPIRAL NAILS OR SCREWS 52" O.C. HORIZONTAL 16" O.C. VERTICAL, 20 MIL POLY FLASHING MIN. 6" UP BEHIND THE SHEATHING PAPER, SHEATHING PAPER LAYERS TO OVERLAP EACH OTHER, 1/2" THK, PLYWOOD SHEATHING, 2x6 WOOD STUDS @ 16" O.C., R22 BATT INSUL, IN CONTINUOUS CONTACT W/ EXTERIOR SHEATHING, 6 MIL CONTINUOUS POLY AIR / VAPOUR BARRIER ON WARM SIDE, 5/8* INTERIOR TYPE "X" DRYWALL FINISH, DOUBLE PLATE @ TOP, SOLE PLATE @ BOTTOM
- 15. STUCCO WALL: STUCCO FINISH, 2" STYROFOAM (REPLACE WITH IT CEMENT BOARD WHERE CLOSER THAN 2' TO PROPERTY LINE), DRYVIT DRAINAGE MATT, TYVEC SHEATHING PAPER SHEATHING PAPER LAYERS TO OVERLAP EACH OTHER, 1/2" THK. TYPE X PLYWOOD SHEATHING, 2x6 WOOD STUDS @ 16" O.C., R22 BATT INSUL. IN CONTINUOUS CONTACT W/ EXTERIOR SHEATHING, 6 MIL CONTINUOUS POLY AIR / VAPOUR BARRIER ON WARM SIDE, 5/8" INTERIOR TYPE "X" DRYWALL FINISH, DOUBLE PLATE @ TOP, SOLE PLATE @ BOTTOM

16. RESERVED

- 17. GRADE: SLOPE GRADE AWAY FROM BUILDING FACE
- 18. SILL PLATE: 2x6 SILL PLATE FASTENED TO FOUNDATION WALL WITH MIN. ½* DIA. ANCHOR BOLTS EMBEDDED MIN. 4" INTO CONCRETE @ 4" O.C. & PROVIDE CAULKING OR GASKET BETWEEN PLATE & FOUNDATION WALL
- 19. FLOOR INSULATION; CONTINUOUS HEADER JOIST W/ R22 BATT INSUL... EXTEND VAPOUR / AIR BARRIER & SEAL TO JOIST & SUBFLOOR
- 20. BASEMENT SLAB: 4" POURED CONCRETE SLAB (3600 PSI CONC. STRENGTH) 6" CRUSHED STONE BELOW. THICKEN THE SLAB TO 6" UNDER THE
- 21. ROOF CONSTRUCTION: 20 YEARS ASPHALT SHINGLES (2 LAYERS OF FELT ROOFING MEMBRANE WHERE FLAT ROOF) ON 3/8" EXTERIOR PLYWOOD SHEATHING ON APPROVED ROOF TRUSSES
- OVERHANG CONSTRUCTION: PREFINISHED ALUMINUM FACIA, EAVES TROUGH & RAIN WATER LEADERS TO MATCH THE EXTERIOR FINISHES, PROVIDE ORIP FOGE AT FACIA AVENTED SOFFIT. EXTEND DOWNSPOUT TO GRADE LEVEL PROVIDE PRECAST CONCRETE SPLASH
- 23. ROOF VENTILATION: 1/300 OF THE INSULATED CEILING AREA UNIFORMLY DISTRIBUTED
- 24. EAVES PROTECTION:
 EAVESTROUGH PROTECTION MEMBRANE TO EXTEND FROM THE EDGE OF THE ROOF 36" UP THE SLOPE BUT NOT LESS THAN 12" BEYOND THE INTERIOR FACE OF THE EXTERIOR WALL
- 25. CEILING CONSTRUCTION: 5/8" THK. INTERIOR DRYWALL FINISH, CONTINUOUS AIR / VAPOUR BARRIER W/ MIN. R60 BATT

- 26. FLOOR CONSTRUCTION: 3/4" T&G
 PLYWOOD SUBFLOOR GLUE-NAILED ON TJI FLOOR JOISTS @ 16" O.C. UNLESS NOTED OTHERWISE, DOUBLE ALL JOISTS UNDER PARTITIONS THAT ARE PARALLEL TO THE FLOOR JOISTS UNLESS OTHERWISE NOTED
- 27. INTERIOR STUD PARTITION: ½" DRYWALL FINISH BOTH SIDES OF 2x4 or 2x6 WOOD STUDS @ 16" O.C., 2 TOP PLATES & 1 BOTTOM PLATE, PROVIDE SOUND ATTENUATION INSULATION IN BATHROOM WALLS & WHERE INDICATED ON DRAWINGS, USE MOISTURE RESISTANT DRYWALL IN BATHROOMS
- 28. ATTIC ACCESS: 21.5"x23" ATTIC ACCESS WITH INSULATION, PROVIDE WEATHER STRIPPING AROUND THE PERIMETER
- 29. MECHANICAL VENTILATION: PROVIDE MIN 1 AIR CHANGE PER HOUR IN ROOMS SPECIFIED TO BE MECHANICALLY VENTED, 80 CFM FOR BATH PRIMARY VENTS.
- 30. STAIRS INTERIOR/EXTERIOR: MAXIMUM RISE 7-7/8" MINIMUM RISE 4-7/6" MINIMUM RUN 8-1/4* MAXIMUM RUN 14" MINIMUM TREAD 9-1/4" MAXIMUM TREAD 14" MAXIMUM NOSING 1"

MINIMUM WIDTH 2'-10'

MINIMUM HEADROOM 6'-5"

- 31, GUARDS: INTERIOR LANDINGS 2'-11" EXTERIOR BALCONY 3'-6" EXTERIOR STAIRS 2'-11" MAXIMUM BETWEEN PICKETS 4" GUARD HEIGHT IF DECK TO GRADE IS GREATER THAN 5'-11" 3'-6", 5'-11" OR LESS NO MEMBER OR ATTACHMENT BETWEEN 4" &
- 32, PIERS: 16" DIA. SONOTUE FOR POURED CONCRETE PIERS MIN. 4' BELOW GRADE, 6"X6" WOOD POST ANCHORED TO CONCRETE PIER WIMETLISHOE & 1/4" DIA, BOLT EMBEDED INTO THE CONCRETE PEIR MIN. 4*

2'-11" HIGH SHALL FACILITATE CLIMBING

- 33. STEEL COLUMN: HSSØ102X8 W/6"X8"X1/2" TOP & BOTTOM PLATE, 60"X60"X18"
 CONCRETE PAD WITH 15M @12" O/C E.W. BOTT., UNLESS NOTED OTHERWISE.
- 34. STEEL BEAM: AS SHOWN
- 35. GARAGE FLOOR: 4" CONCRETE SLAB (4650PSI) ON 6" CRUSHED STONE AND COMPACTED SOIL TO 7% AIR ENTRAINMENT, REINFORCED WITH 6"x6"x6/6 WELDED WIRE
- 36. SKYLIGHT: "ARTISTIC" SKYLIGHT
- 37. HEATING: FUR-IN DUCTS WITH 1/2" DRYWALL ON 2x2 FRAMING, DUCTS TO BE INSULATED WITH MIN, R4 WHERE AGAINST EXTERIOR WALL
- 38. FIREPLACE: GAS FIREPLACE AS PER MANUFACWO TURER SPEC. INSTALL AS PER GAS CODE OF ONTARIO
- 39. INTERLOCKING STONE
- 40, DRYLAID RETAINING WALL: RISI STONE, MODEL "PISA 2"

ALI SHAKERI T+18 8213960

ARCICA INC.

326 SHEPPARD AVENUE EAST, MON 384 TORONTO, OHTANO, CANADA,

20 PHEASANT VALLEY COURT

CONSTRUCTION SPECIFICATIONS

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THIS UNDERBIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAB THE GULLIPICATIONS & MEETS THE REQUIREMENTS AT DUT IN THE GOS. TO BE A DESIGNER ALL SHARKST BEINGLASTA FAR ASSOCIATION LIGHT AND THE CONTROLLING

MAY 21, 2019- Issued for CDA & permit 1

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LALL WORK SHALL BE CARRIED OUT IN CONTINUED THAT THE LATEST REVISION OF THE ONTARIO SHILDING COORD. THE CONTARIO SHILDING COORD. THE SHARE SHILDING COORD. THE SHARE SHILDING COORD. THE SHARE S CONSTRUCTION", 5. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION