

Memorandum to the City of Markham Committee of Adjustment

July 11, 2022

File: A/035/22
Address: 15 Bowes-Lyon Court – Markham, ON
Applicant: Hai Jie Zhu
Agent: F & A Associate Ltd. (Ali Shakeri)
Hearing Date: July 20, 2022

The following comments are provided on behalf of the West District team. The applicant is requesting relief from the following “Rural Residential Estate Zone – (RRE)” requirements under By-law 304-87, as amended, as they relate to a proposed detached dwelling and driveway. The variances requested are to permit:

a) Section 7.5 (b) (iv):

the sum of the width of both side yards to be 7.15 m (23.46 ft), whereas the By-law requires a minimum width of 9.0 m (29.53 ft); and

b) Parking By-law 28-97, Section 6.2.4.6:

a maximum driveway width of 17.14 m (56.23 ft), whereas the By-law permits a maximum driveway width of 6.10 m (20.01 ft) when a garage door opening faces an interior side lot line.

PROPERTY DESCRIPTION

15 Bowes-Lyon Court (the “Subject Property”) is located on the north side of the court, east of Cachet Parkway, south of Major Mackenzie Drive East, and west of Warden Avenue. The Subject Property is located within an established residential neighbourhood, comprised of detached dwellings on estate lots. Mature vegetation is a predominant characteristic of the street and surrounding area. From a local street context, the Subject Property can be described as having a narrower width than other properties along Bowes-Lyon Court. The Subject Property is approximately 0.44 Ha (1.08 Ac), and is partly irregular in shape due to its location along a cul-de-sac which results in the property having a curved front lot line, and larger boulevard area. Currently, a two-storey detached dwelling exists, which is well screened by mature trees in the front yard.

PROPOSAL

The applicant is proposing to demolish the existing dwelling, and construct a new detached dwelling with reduced side yard setbacks, and a widened driveway.

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 Estate”, which provides for detached dwellings on larger lots. Section 8.2.2.4 of the Official Plan outlines criteria with respect to a development’s suitability as it relates to the distinct topography, building form, massing, landscaping, setbacks, and areas adjacent to watercourses or other groundwater recharge areas. The intent for these areas is to protect the character of the established landscape and wooded and scenic areas, natural habitats and distinct topography by respecting the lot size and setback pattern, and to ensure that any proposed massing changes to buildings are sympathetic to the pattern of development within the surrounding area.

Zoning By-Law 304-87

The subject property is zoned “Rural Residential Estate Zone – (RRE)” under By-law 304-87, as amended, which permits one detached dwelling per lot. The proposed development does not comply with the minimum side yard setback requirement.

Parking Standards By-law 28-97 (the “Parking By-law”)

The proposed development also does not comply with the Parking By-law requirement with respect to the maximum driveway width when a garage door faces an interior side lot line.

ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN

The owner has completed a ZPR on January 13, 2022 to confirm the variances required for the proposed development.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (the “Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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.

Reduction in Side Yard Setback

The applicant is requesting that the sum of the width of both side yards are a minimum of 7.15 m (23.46 ft), whereas a minimum of 9.0 m (29.53 ft) is required. This is a reduction of 1.85 m (6.07 ft).

Initially, “Rural Residential” policies affecting this area of the City were established in the 1987 Official Plan. Building on these Official Plan policies, By-law 304-87 established “Rural Residential Estate Zone - (RRE)” provisions to direct and assist in preserving the rural character of the estate community by requiring, amongst other provisions, significant setbacks from dwellings to property lines, which result in a substantial separation between adjacent dwellings.

Staff note that the width of the Subject Property is narrower than other properties along Bowes-Lyon Court. Staff are of the opinion that the proposed dwelling will be well screened by mature vegetation in the front yard, and the proposed reduction to the sum of both side yards would be difficult to distinguish from a streetscape perspective.

Increase in Maximum Driveway Width

The applicant is requesting a maximum driveway width of 17.14 m (56.23 ft), whereas a maximum driveway width of 6.10 m (20.01 ft) is permitted when a garage door opening faces an interior side lot line. This is an increase of 11.04 m (36.22 ft).

Based on the plans submitted with the application, the proposed widening would apply to the section of the driveway that is north of the front lot line, well inset from the street. Staff further note that although the proposed widening would require the removal of some existing vegetation, the private driveway will be tapered down to the width of the existing

driveway at the property line. The proposed tapering of the private driveway will allow for the retention of mature trees in the boulevard area.

Operations staff have also reviewed the application, and have no objections to the requested variance. Staff are of the opinion that the requested variance is minor in nature, and maintains the general intent of the By-law.

Tree Protection and Compensation

Staff also recommend that the Committee adopt the tree related conditions to ensure that the applicant installs the appropriate tree protection barriers, and provides compensation to the City, if required. Staff also note that property owners are required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height of 20.0 cm (7.87 in) or more. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 11, 2022. Additional information may be received after the writing of this 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*, and are of the opinion that the requested variances meet the four tests. Staff recommend that the Committee consider public input in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, MCIP, RPP
Planner, Zoning and Special Projects

REVIEWED BY:



Rick Cefaratti, MCIP, RPP
Senior Planner II, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/035/22

1. That the variances apply only to the proposed development for 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 that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
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 Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, 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 Director of Planning and Urban Design, or their designate.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

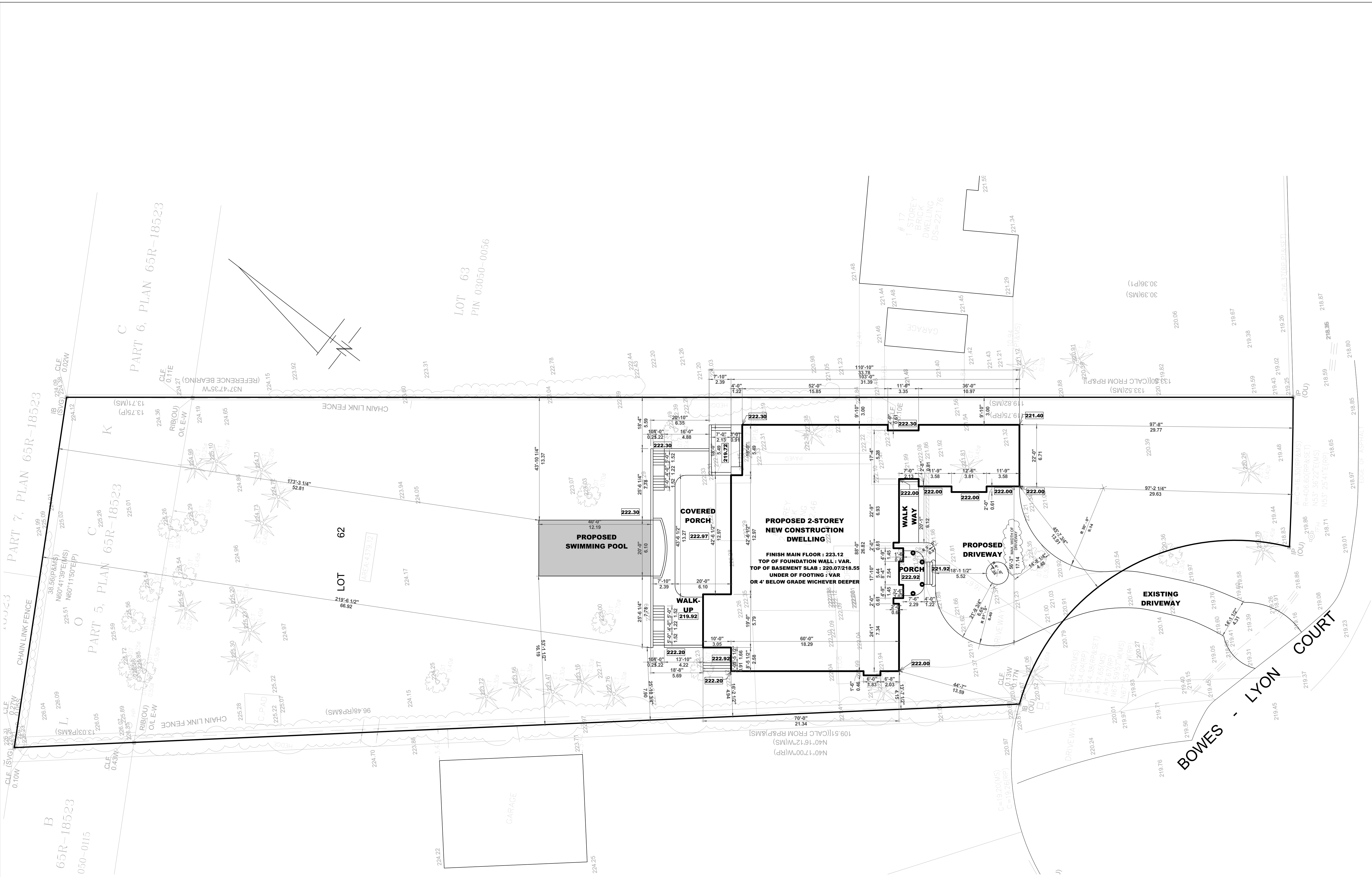
CONDITIONS PREPARED BY:



Aleks Todorovski, MCIP, RPP
Planner, Zoning and Special Projects

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/035/22



Zoning Data Matrix		Proposed
RRE		
Lot #	PART OF BLOCK C & LOT 62	
Plan #	6897	
Lot Area	47136.45 s.t.	- 4379.12 m ²
Front Yard Area	9413.61 s.t.	
Driveway Area	2384.82 s.t.	
Walkway Area	191.25 s.t.	
Landscape Open Space Area	7028.79 s.t.	(74.67%)
Soft Landscaping Area	6837.54 s.t.	(97.28%)
Building Area (Coverage)	7526.51 s.t.	- 699.24 m ² (15.97%)
Main Floor Area (excluding garage)	6334.58 s.t.	- 588.50 m ²
Second Floor Area	5332.56 s.t.	- 495.41 m ²
Gross Floor Area	11667.09 s.t.	- 1083.91 m ²

notes:

Appendix B
File: 22119469.000.001.MXD
Date: 07/10/22
MADDOXY

Designed by:

ALI SHAKERI
T: 416 821 3960 F: 416 2508900

ARCICA INC.
326 SHEPPARD AVENUE EAST,
M2N 3B4
TORONTO, ONTARIO, CANADA

revisions:

DEC.07, 2020 - Issued for COA 1
DEC.17, 2021 - updated
DEC.20, 2021 - updated

1 ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
2 VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
3. DO NOT SCALE DRAWINGS.
4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.
5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".
6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION

project:

15 BOWES LYNE COURT

drawing:

SITE PLAN

scale:

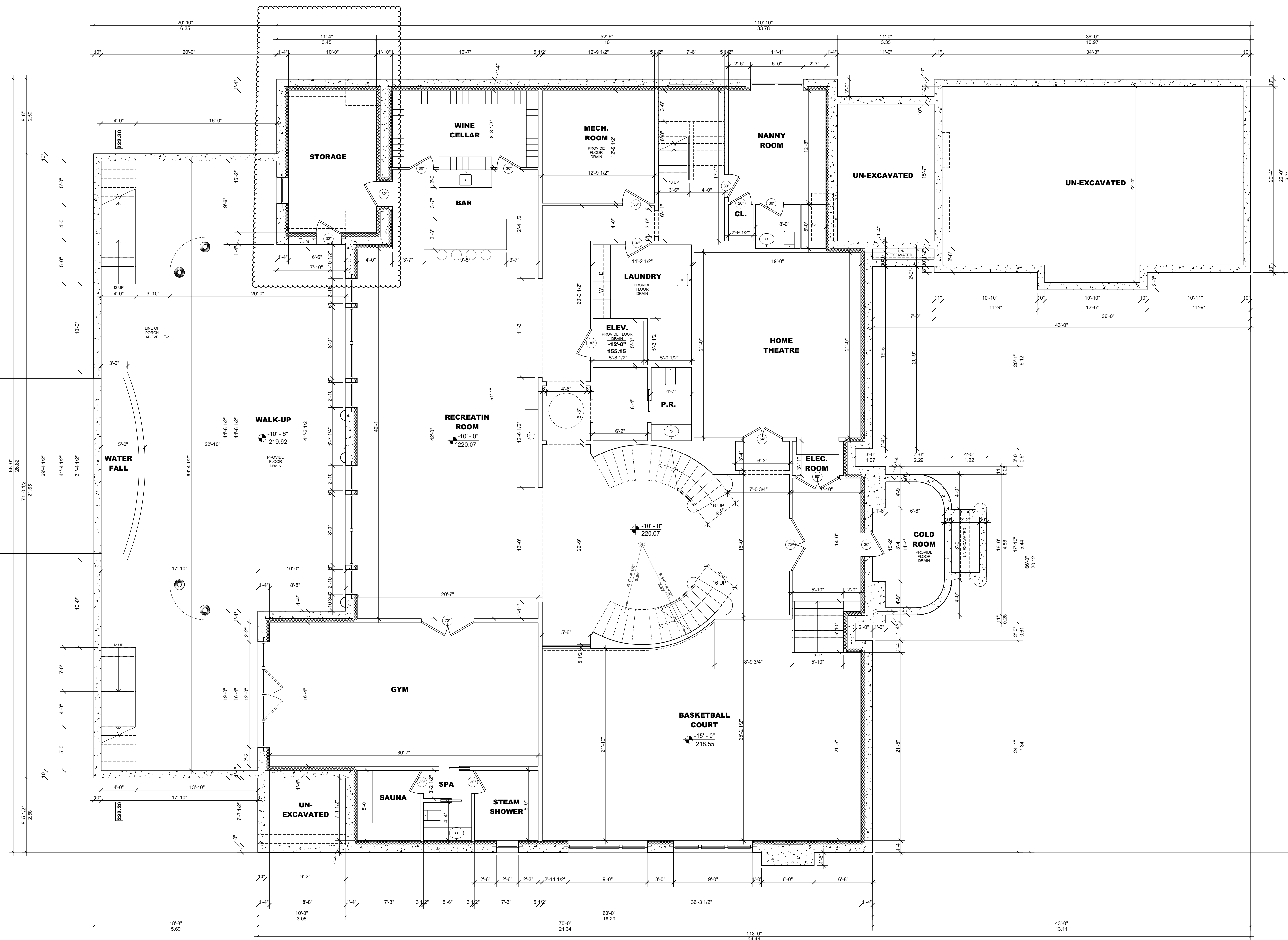
1/16" = 1'-0"

page:

A 01

THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER

Ali Shakeri
BCIN#24574
F&A Associates Ltd.
BCIN#30998



Designed by:

ALI SHAKERI

T: 416 821 3960 F: 416 2508900

ARCICA INC.

326 SHEPPARD AVENUE EAST,
M2N 3B4
TORONTO, ONTARIO, CANADA

revisions:
DEC.07, 2020 - Issued for COA 1
AUG.23, 2021 - Updated
DEC.17, 2021 - updated

1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
3. DO NOT SCALE DRAWINGS.
4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.
5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".
6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.

project:

15 BOWES LYNE COURT

drawing:

BASEMENT PLAN

scale:

3/16" = 1'-0"

page:

A 02

THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER

Ali Shakeri
BCIN#24574
F&A Associates Ltd.
BCIN#30998

notes:
ALL INTERIOR WALL DIMENSIONS

Date: 07/14/22

ALI SHAKERI
T: 416 821 3960 F: 416 2508900

ARCICA INC.
326 SHEPPARD AVENUE EAST,
M2N 3B4
TORONTO, ONTARIO, CANADA

revisions:
DEC.07, 2020 - Issued for COA 1
AUG.23, 2021 - Updated

1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE SPECIFICATION.
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
3. DO NOT SCALE DRAWINGS.
4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY DISCREPANCIES MUST BE IMMEDIATELY REPORTED TO THE ARCHITECT BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.
5. NO USE OF OR LATENT USE OF DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".
6. THE STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.

project:

15 BOWES LYNE COURT

drawing:

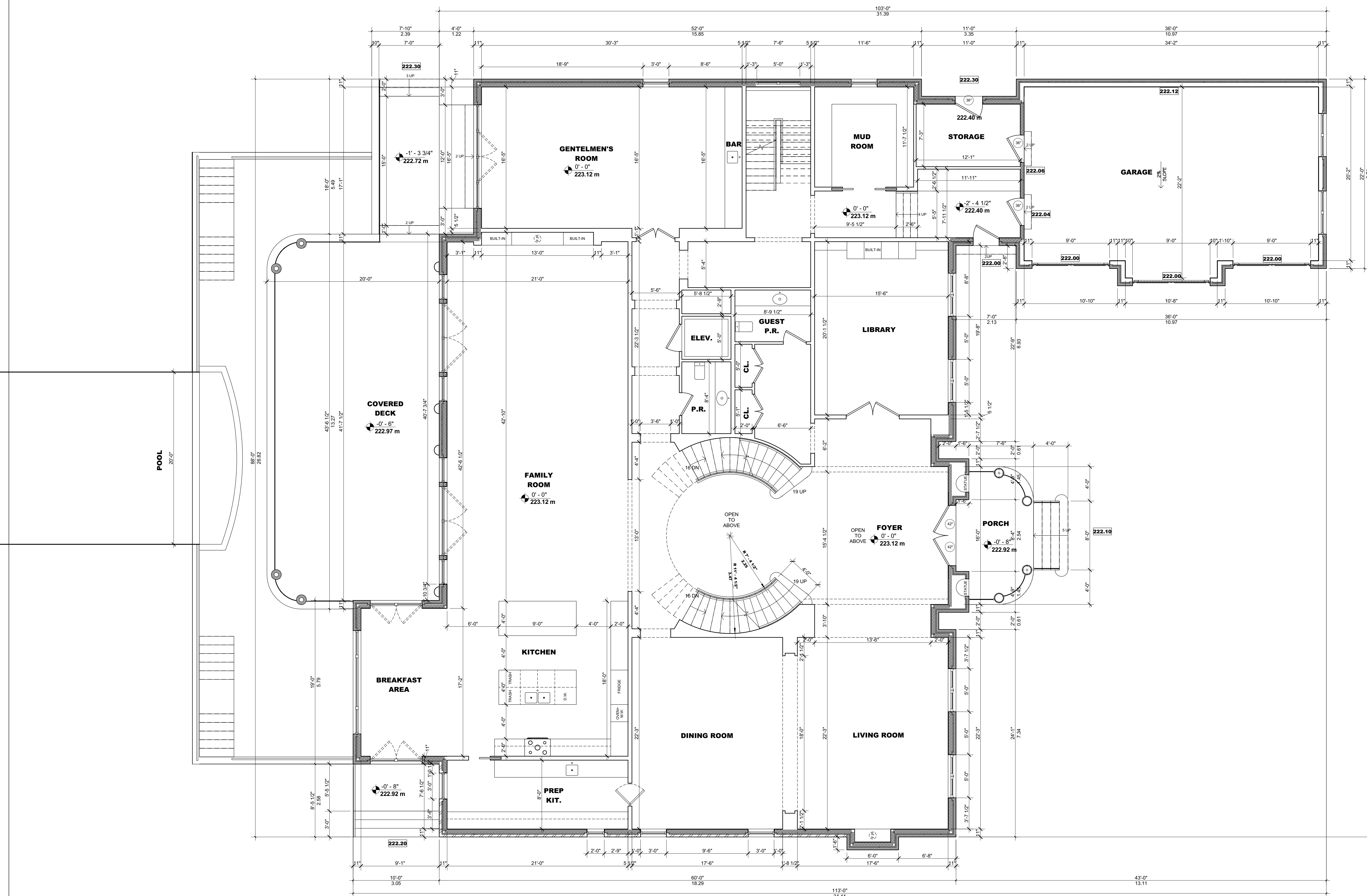
1st FLOOR PLAN

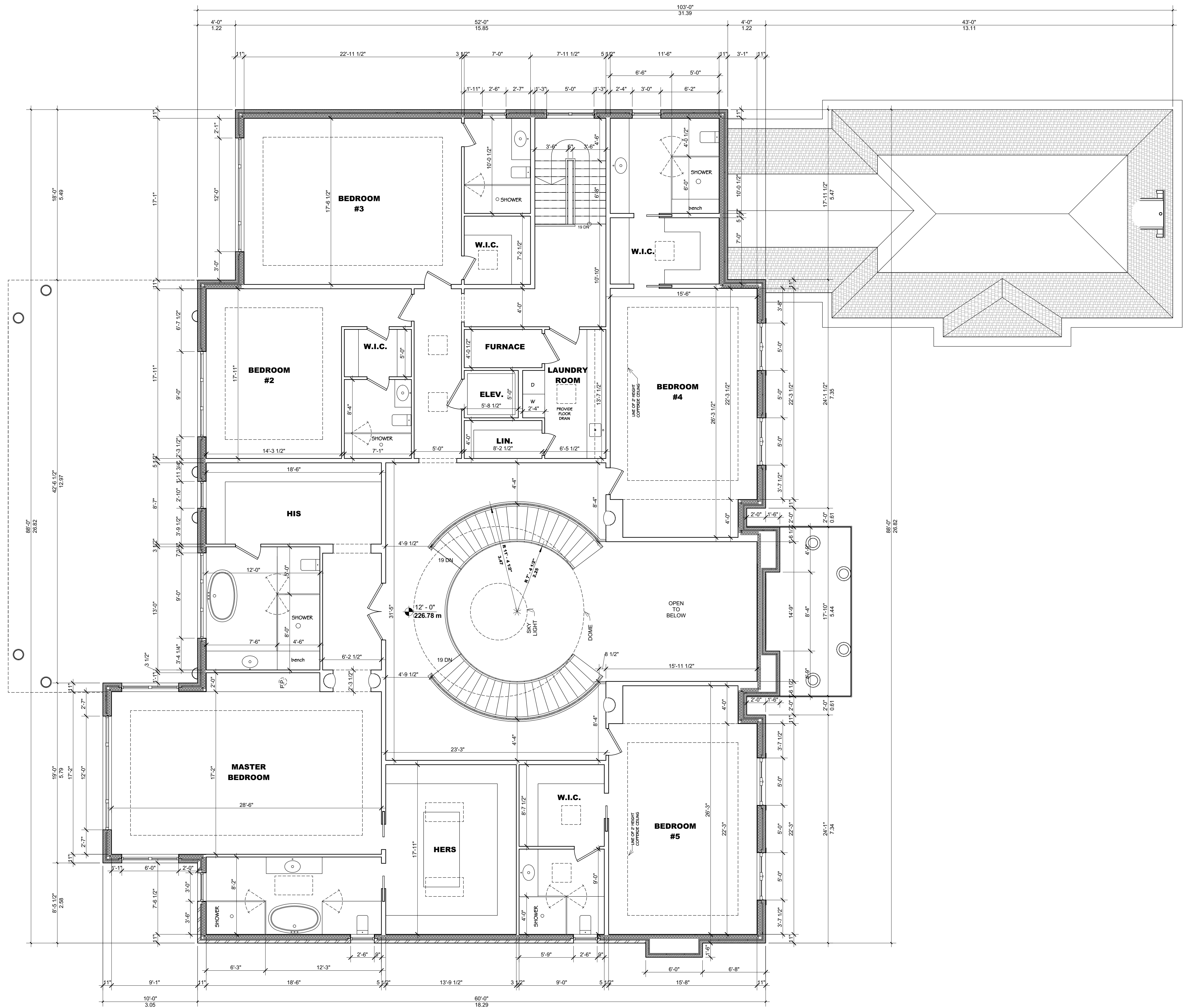
scale:

$$3/16'' = 1'-0''$$

page:

A 03





Designed by:
ALI SHAKERI
T: 416 821 3960 F: 416 2508900

ARCICA INC.
326 SHEPPARD AVENUE EAST,
M2N 3B4
TORONTO, ONTARIO, CANADA

revisions:
DEC.07, 2020 - Issued for COA 1
AUG.23, 2021 - Updated

1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
3. DO NOT SCALE DRAWINGS.
4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.
5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".
6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.

project:
15 BOWES LYNE COURT

drawing:
2nd FLOOR PLAN

scale:
3/16" = 1'-0"

page:
A 04

notes:



Designed by:

ALI SHAKERI

T: 416 821 3960 F: 416 2508900

ARCICA INC.

326 SHEPPARD AVENUE EAST,
M2N 3B4
TORONTO, ONTARIO, CANADA

revisions:

DEC.07, 2020 - Issued for COA 1

1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
3. DO NOT SCALE DRAWINGS.
4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.
5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".
6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.

project:

15 BOWES LYNE COURT

drawing:

MAIN ELEVATION

scale:

1/4" = 1'-0"

page:

A 06

revisions:
DEC.07, 2020 - Issued for COA 1

ALI SHAKERI
T: 416 821 3960 F: 416 2508900

ARCICA INC.
326 SHEPPARD AVENUE EAST,
M2N 3B4
TORONTO, ONTARIO, CANADA

1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE CANADIAN BUILDING CODE.
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
3. DO NOT SCALE DRAWINGS.
4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY DISCREPANCIES OR OMISSIONS MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION FROM F&A ASSOCIATES.
5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".
6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.

project:

15 BOWES LYNE COURT

drawing:

REAR ELEVATION

scale:

$$1/4'' = 1'-0''$$

page:

A 07



notes:

revisions:

DEC.07, 2020 - Issued for COA 1

project:

15 BOWES LYNE COURT

drawing: SIDE ELEVATION
(WEST)

scale:

3/16" = 1'-0"

page:

A 08

GLAZED AREAS:

1. AREA OF EXPOSED BUILDING FACE: 1616.84 SQ.FT.
2. PROPOSED GLAZED AREA: 128.40 SQ.FT. (7.94%)

T/ROOF

31'-4" 232.67

U./SUFFIT

22'-8" 230.03

2nd FLOOR CEILING

22'-0" 229.82

FIN. 2ND FL.

12'-0" 226.78

FIN. MAIN FL.

0'-0" 223.12

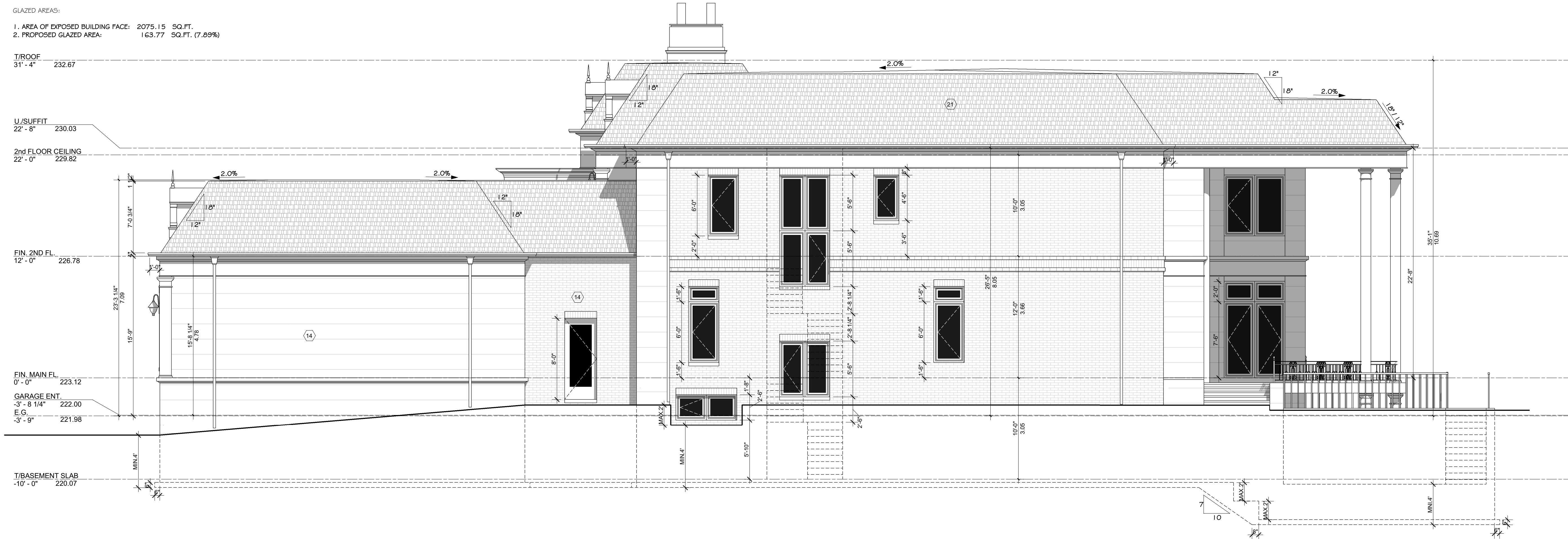
E.G.

-3'-9" 221.98

T/BASEMENT SLAB

-10'-0" 220.07

GARAGE ENT.
-3' - 8 1/4"T/SUNKEN BASEMENT SLAB
-15' - 0"



notes:

Appendix B

File: 22.119.689.000.001.dwg

Date: 07/16/22

Designed by:
ALI SHAKERI
T: 416 821 3960 F: 416 2508900

ARCICA INC.
326 SHEPPARD AVENUE EAST,
M2N 3B4
TORONTO, ONTARIO, CANADA

revisions:
DEC.07, 2020 - Issued for COA 1

1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
3. DO NOT SCALE DRAWINGS.
4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.
5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".
6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION

project:
15 BOWES LYNE COURT

drawing: **SIDE ELEVATION (EAST)**

scale:
3/16" = 1'-0"

page:
A 09