

Memorandum to the City of Markham Committee of Adjustment

September 14, 2022

File: A/085/22
Address: 9 Hughson Drive, Markham
Applicant: Tim Huang
Agent: Tim Huang
Hearing Date: Wednesday September 21, 2022

The following comments are provided on behalf of the Central Team.

The Applicant is requesting relief from the “Single Family Residential - Third Density, Exception Two (R3*2)” zone requirements under By-law 221-81, as amended, as it relates to a proposed two storey single detached dwelling. The variances requested are to permit:

- a) **Amending By-law 2012-13, Section 7.2.2 (i):**
a minimum front yard setback of 7.70 metres (25.26 feet), whereas the By-law requires a minimum front yard setback of 9.0 metres (29.53 ft);
- b) **Amending By-law 2012-13, Section 7.2.2 (iii):**
a minimum exterior side yard setback of 1.90 metres (6.23 feet), whereas the By-law requires a minimum exterior side yard setback of 2.0 metres (6.56 feet); and
- c) **Amending By-law 2012-13, Section 7.2.2 (viii):**
a maximum of three storeys, whereas the By-law permits a maximum of two storeys within a single vertical plane.

BACKGROUND

Property Description

The 691.50 m² (7,443.24 ft²) subject lands are located east of Woodbine Avenue and north of Highway 7 (refer to Appendix “A” – Aerial Photo). The subject lands are currently vacant, and contain mature vegetation and multiple large mature trees along the front and exterior side yards of the property.

The subject lands are located within an established residential neighbourhood that is comprised primarily 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.

Proposal

The Applicant is proposing to construct a new 416.11 m² (4,479 ft²) two storey detached dwelling (refer to Appendix “B” – Plans) on a vacant lot. The lot was created by way of severance application B/12/16, which was approved by the Committee of Adjustment on November 23, 2016.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject lands “Residential Low Rise”, which permits low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing, and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, development is required to meet the general intent of the above noted development criteria. Regard shall also be had for the retention and enhancement of existing trees and vegetation. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 221-81, as amended by By-law 2012-13

The subject lands are zoned “Single Family Residential - Third Density, Exception Two (R3*2)” under By-law 221-81, as amended, which permits single family detached dwellings. Exception Two relates to Amending By-law 2012-13 (the “Amending By-law”) which further amends By-law 221-81. The Amending By-law was enacted by the City of Markham subsequent to an order issued by the Ontario Municipal Board (the “OMB”) on August 8, 2012. The Amending By-law introduced development standards, including but not limited to minimum lot area, minimum lot frontage, and minimum yards, so that redevelopment in the area can proceed subject to updated standards.

The proposed development does not comply with the Amending By-law requirements with respect to minimum front yard setback, exterior side yard setback and maximum number of storeys within a single vertical plane.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant completed a Zoning Preliminary Review (ZPR) on July 26, 2022 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.

Reduced Front Yard Setback

The Applicant is requesting a minimum front yard setback of 7.70 m (25.26 ft), whereas the By-law requires a minimum front yard setback of 9.0 m (29.53 ft). This is a reduction of 1.3 m (4.27 ft).

The subject lands are irregular in shape, and are narrower on the north side of the property (exterior side yard) than the south side (interior side yard), (refer to the site plan in Appendix “B” – Plans). The alignment of the proposed dwelling results in an irregular front yard setback, with the shortest distance being 7.7 m (25.26 ft), which applies to a portion of the garage.

Staff have no objections to the requested variance, and are of the opinion that the general intent and purpose of the Zoning By-law is maintained.

Reduction in Minimum Exterior Side Yard Setbacks

The Applicant is requesting relief to permit a minimum exterior yard setback of 1.90 metres (6.23 feet), whereas the By-law requires a minimum exterior side yard setback of 2.0 metres (6.56 feet). This is a reduction of 0.1 m (0.33 ft).

As noted previously, the subject lands are irregular in shape (refer to the site plan in Appendix “B” – Plans). The alignment of the proposed dwelling results in an exterior side yard setback that ranges between 1.9 m (6.23 ft) and 2.2 m (7.21 ft).

Staff are of the opinion that the proposed exterior yard setback is minor and have no concern with the requested variance.

Increase in Maximum Number of Storeys

The Applicant is requesting relief to permit a third storey for the proposed dwelling, whereas the By-law permits a maximum of two storeys within a single vertical plane. Storey, as defined by Amending By-law 2012-13, means:

“the portion of a DWELLING, other than a CELLAR or an unfinished attic, located between the surface of any floor and the surface of the floor or roof above, and shall include a BASEMENT.”

Staff note that the proposed lowest level of the dwelling is located above-grade, and falls within the definition of “basement” rather than a cellar. The proposed above-grade basement is therefore counted as an additional storey.

Staff further note that the proposed dwelling height of 9.8 m (32.15 ft) complies with the maximum height requirement, as set out in the Amending By-law, which is 9.8 m (32.15 ft). As such, Staff have no concerns with the requested variance.

Tree Protection and Compensation

As noted previously, the subject lands contain mature vegetation and multiple large mature trees along the front and exterior side yards of the property.

Staff recommend that the tree related conditions, as outlined in Appendix “C”, be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers and provides compensation to the City, if necessary. Staff note the Applicant is 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 (DBH) of 50.0 cm (19.68 in), or more on the subject property or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

York Region Requirements

York Region provided comments on the subject application, requesting confirmation that adequate water supply and sewage capacity has been allocated for the proposed dwelling.

Staff recommend a condition be added requiring the Applicant satisfies this requirement prior to the issuance of a building permit.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 13, 2022. 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.

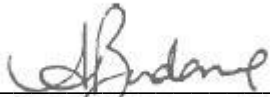
Please refer to Appendix “C” for conditions to be attached to any approval of this application.

PREPARED BY:



Deanna Schlosser, MCIP RPP, Senior Planner, Central District

REVIEWED BY:

A handwritten signature in dark ink, appearing to read 'Sabrina Bordone', is written over a horizontal line.

Sabrina Bordone, MCIP RPP, Development Manager, Central District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/085/22 Conditions of Approval



Legend

● Subject Lands - 9 Hughson Dr.

1: 2,257



114.7 0 57.33 114.7 Meters

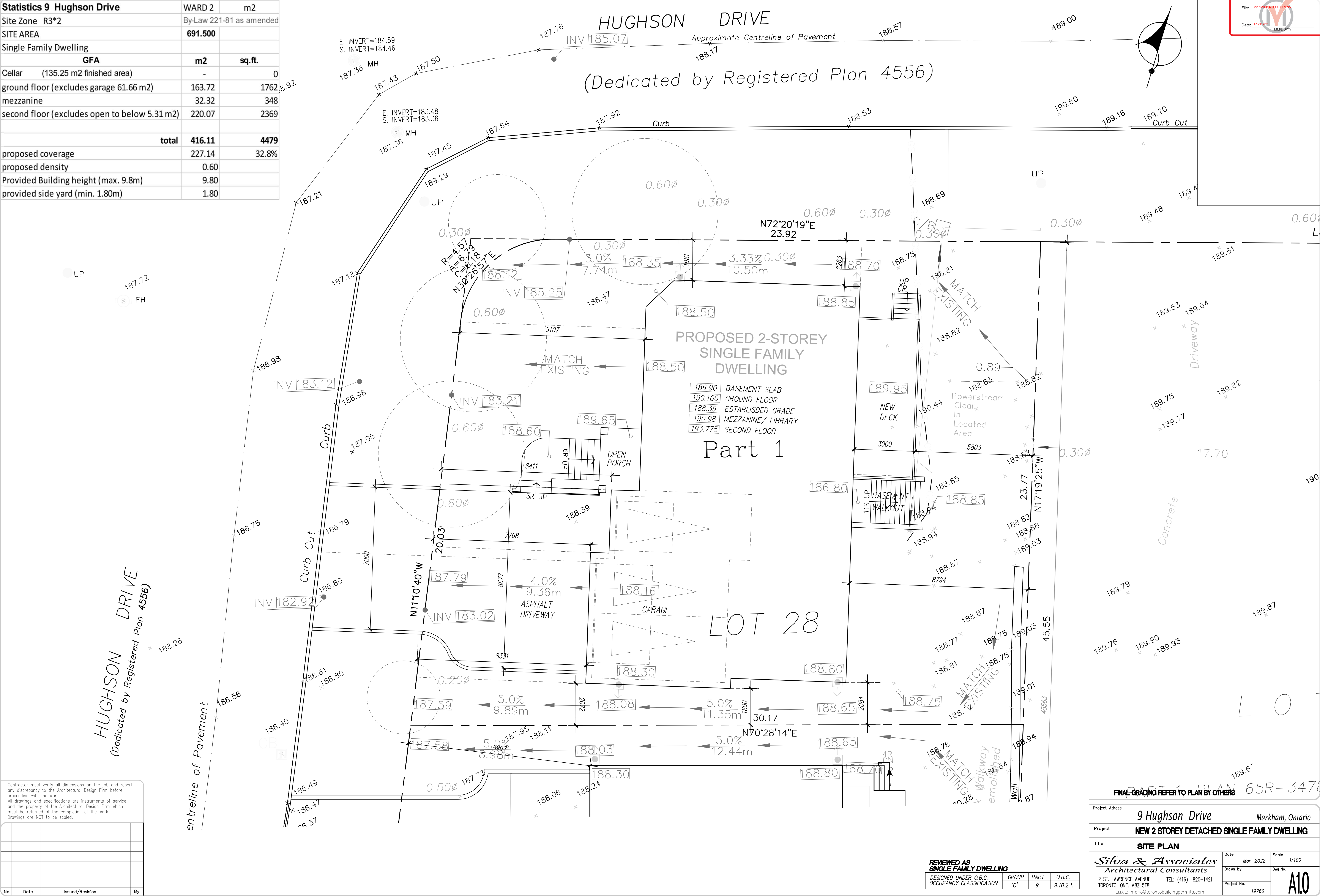
NAD_1983_UTM_Zone_17N
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Notes

Statistics 9 Hughson Drive		
Site Zone R3*2	WARD 2	m2
SITE AREA	By-Law 221-81 as amended	
Single Family Dwelling	691.500	
GFA	m2	sq.ft.
Cellar (135.25 m2 finished area)	-	0
ground floor (excludes garage 61.66 m2)	163.72	1762
mezzanine	32.32	348
second floor (excludes open to below 5.31 m2)	220.07	2369
total	416.11	4479
proposed coverage	227.14	32.8%
proposed density	0.60	
Provided Building height (max. 9.8m)	9.80	
provided side yard (min. 1.80m)	1.80	

Contractor must verify all dimensions on the job and report any discrepancy to the Architectural Design Firm before proceeding with the work.			
All drawings and specifications are instruments of service and the property of the Architectural Design Firm which must be returned at the completion of the work.			
Drawings are NOT to be scaled.			
No.	Date	Issued/Revision	By



Appendix B

File: 22-120014-000-00-MPH

Date: 09/12/22

MMGP

PLAN 65R-3478

FINAL GRADING REFER TO PLAN BY OTHERS

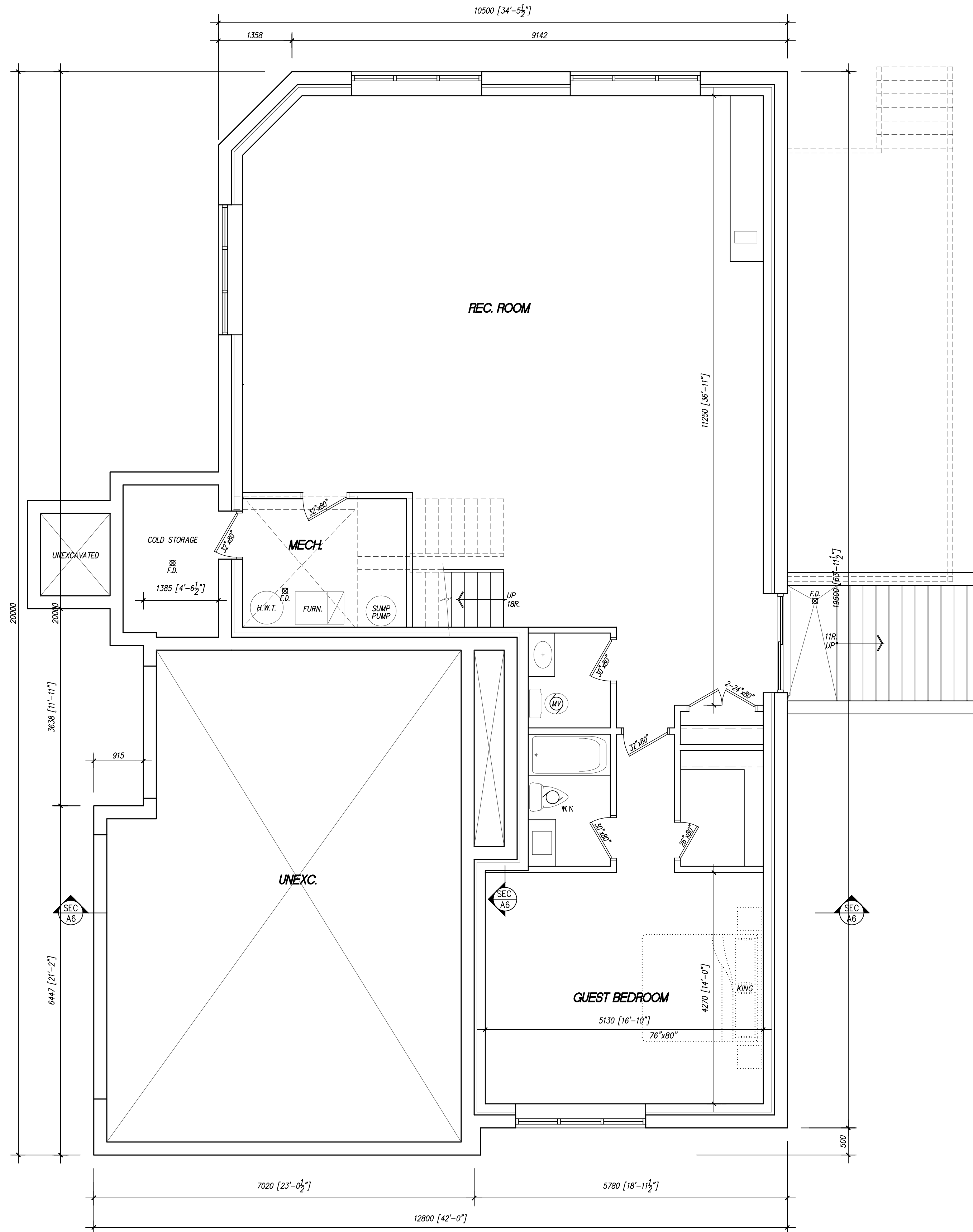
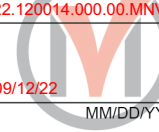
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Project		NEW 2 STOREY DETACHED SINGLE FAMILY DWELLING			
Title		SITE PLAN			
Silva & Associates		Date	Mar. 2022	Scale	1:100
Architectural Consultants		Drawn by		Dep. No.	
2 ST. LAWRENCE AVENUE		TEL: (416) 820-1421		A1.0	
TORONTO, ONT. M8Z 5T8		Project No.			
EMAIL: mario@torontobuildingpermits.com		19766			

REVIEWED AS SINGLE FAMILY DWELLING			
DESIGNED UNDER O.B.C. OCCUPANCY CLASSIFICATION	GROUP 'c'	PART 9	O.B.C. 9.10.2.1.

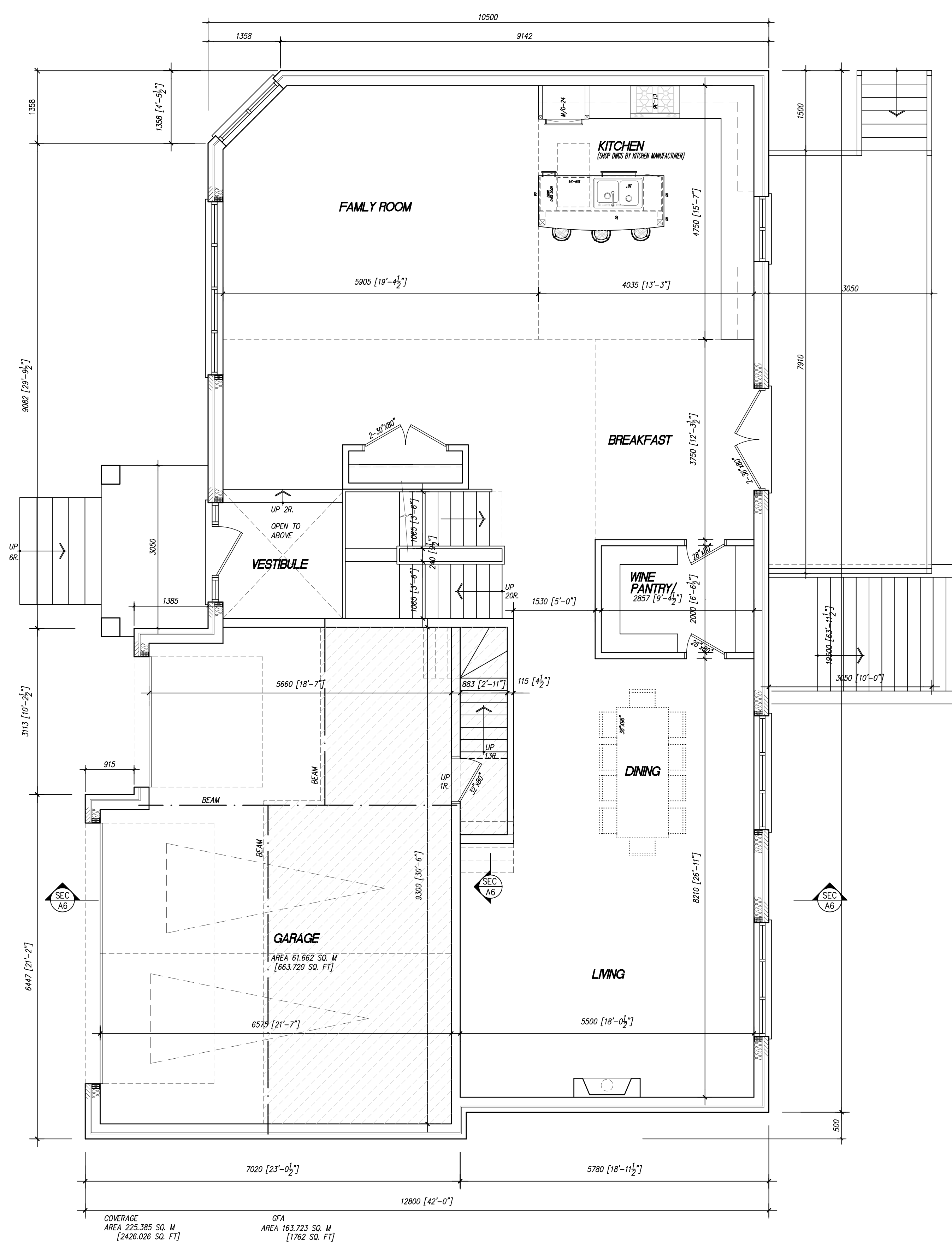
Appendix B

File: 22-120014-000.00.MPH

Date: 09/12/22



BASEMENT PLAN



GROUND FLOOR PLAN

LEGEND	
	SMOKE ALARM / CARBON MONOXIDE DETECTOR INTERCONNECTED
	SMOKE ALARM VISUAL SIGNALING AS PER O.B.C. TO ALL BEDROOMS
	SOLID WOOD BEARING
	STEEL POST
	STRUCTURE ABOVE AS NOTED
	POINT LOAD FROM ABOVE
	SOLID BEARING
	MECH. EXHAUST FAN per O.B.C. 9.32.3.5.
	FLOOR DRAIN
	DOOR SCHEDULE
	HOSE BIB WITH BACK DRAIN
	REINFORCED WALL
	POURED CONC.
	CONCRETE BLOCK
	NEW WALL
	FACE BRICK OR STONE REFER TO ELEVATIONS
	LOAD BEARING WALL
	WALL CONSTRUCTION TYPE
	RAIN WATER LEADER
	GAS METER
	HYDRO METER
	FIRE RATING

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
















Project Address	9 Hughson Drive	Markham, Ontario
Project	NEW 2 STOREY DETACHED SINGLE FAMILY DWELLING	
Title	FLOOR PLANS	
Drawn by	Mar. 2022	Scale 1:50 1/4" = 1'-0"
Project No.	19766	Dwg No. A20
Silva & Associates Architectural Consultants 2 ST. LAWRENCE AVENUE TORONTO, ONT. M8Z 5T8 TEL: (416) 820-1421 EMAIL: mario@torontobuildingpermits.com		

22x34 sheet size



No.	Date	Issued/Revision	By



- LEGEND**
- | | |
|---|--|
|  | SMOKE ALARM /
CARBON MONOXIDE
DETECTOR INTERCONNECTED |
|  | SMOKE ALARM VISUAL
SIGNALING AS PER O.B.C.
TO ALL BEDROOMS |
|  | SOLID WOOD BEARING |
|  | STEEL POST |
|  | STRUCTURE ABOVE AS NOTED |
|  | POINT LOAD FROM ABOVE |
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per O.B.C. 9.32.3.5. |
|  | FLOOR DRAIN |
|  | DOOR SCHEDULE |
|  | HOSE BIB WITH BACK DRAIN |
|  | REINFORCED WALL |
|  | POURED CONC. |
|  | CONCRETE BLOCK |
|  | NEW WALL |
|  | FACE BRICK OR STONE
REFER TO ELEVATIONS |
|  | LOAD BEARING WALL |
|  | WALL CONSTRUCTION TYPE |
|  | RAIN WATER LEADER |
|  | GAS METER |
|  | HYDRO METER |
|  | FIRE RATING |

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Project	NEW 2 STOREY DETACHED SINGLE FAMILY DWELLING			
Title	FLOOR PLANS			
<i>Silva & Associates</i> Architectural Consultants 2 ST. LAWRENCE AVENUE TORONTO, ONT. M8Z 5T8 TEL: (416) 820-1421 EMAIL: mario@torontobuildingpermits.com			Date	Mar. 2022
			Drawn by	
			Project No.	19766
			Scale	1:50 1/4" = 1'-0"
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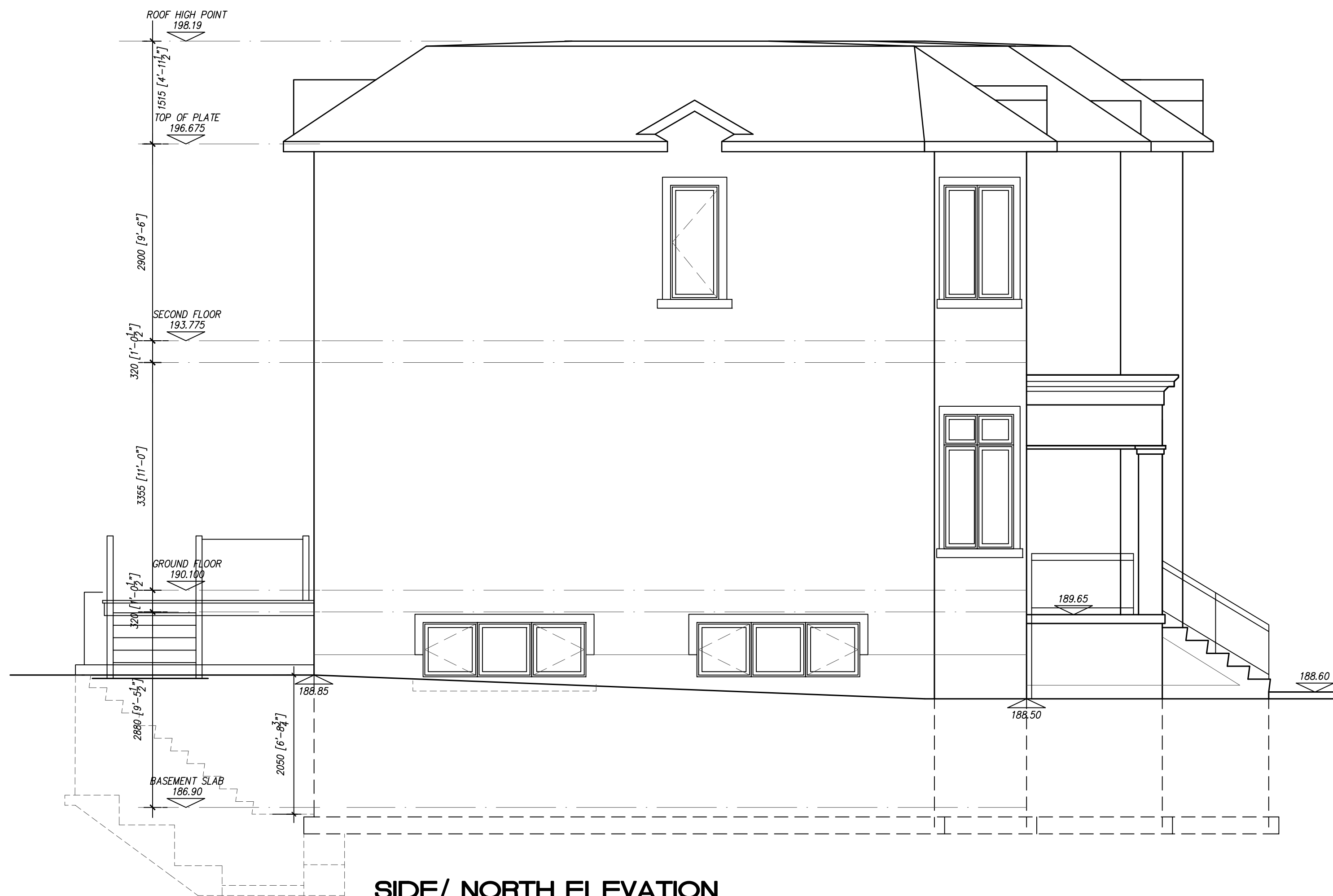
Appendix B

File: 22-120014-000.00.MPH

Date: 09/12/22



FRONT/ WEST ELEVATION



SIDE/ NORTH ELEVATION

LEGEND

- S.A. SMOKE ALARM / CARBON MONOXIDE DETECTOR INTERCONNECTED
- S.A. SMOKE ALARM VISUAL SIGNALING AS PER O.B.C. TO ALL BEDROOMS
- ☒ SOLID WOOD BEARING
- STEEL POST
- STRUCTURE ABOVE AS NOTED
- POINT LOAD FROM ABOVE
- SOLID BEARING
- MECH. EXHAUST FAN per O.B.C. 9.32.3.5.
- F.D. FLOOR DRAIN
- DOOR SCHEDULE
- H.B. HOSE BIB WITH BACK DRAIN
- REINFORCED WALL
- POURED CONC.
- CONCRETE BLOCK
- NEW WALL
- FACE BRICK OR STONE REFER TO ELEVATIONS
- LOAD BEARING WALL
- WALL CONSTRUCTION TYPE
- RWL RAIN WATER LEADER
- G GAS METER
- HYDRO METER
- 1FR. FIRE RATING

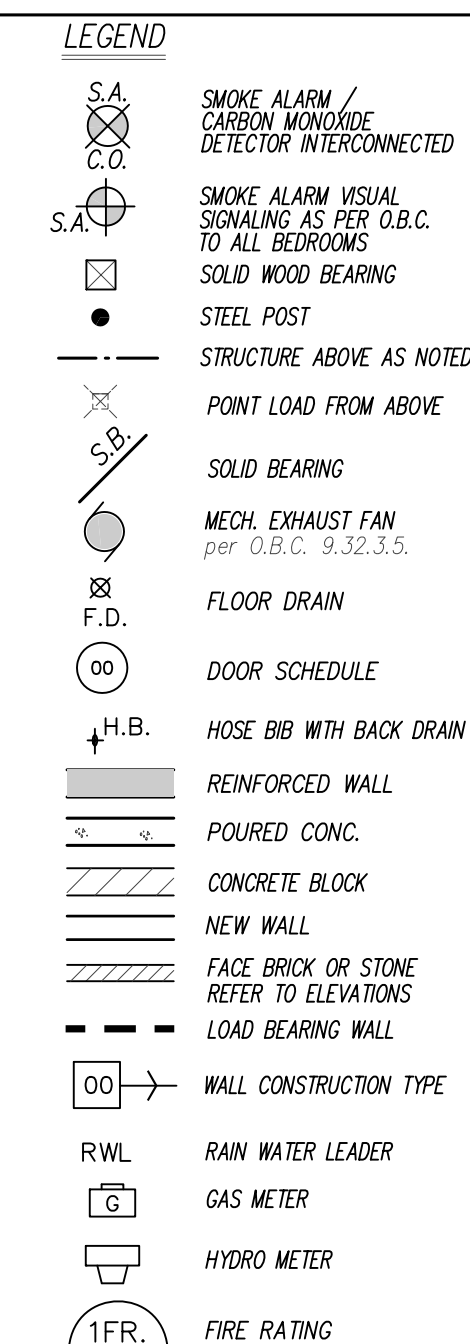
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Project	NEW 2 STOREY DETACHED SINGLE FAMILY DWELLING	
Title	FLOOR PLANS	
Silva & Associates Architectural Consultants 2 ST. LAWRENCE AVENUE TORONTO, ONT. M8Z 5T8 TEL: (416) 820-1421 EMAIL: mario@torontobuildingpermits.com	Date	Mar. 2022
	Scale	1:50 1/4" = 1'-0"
Project No.	Drawn by	
	Dwg No.	A40
19766		22x34 sheet size



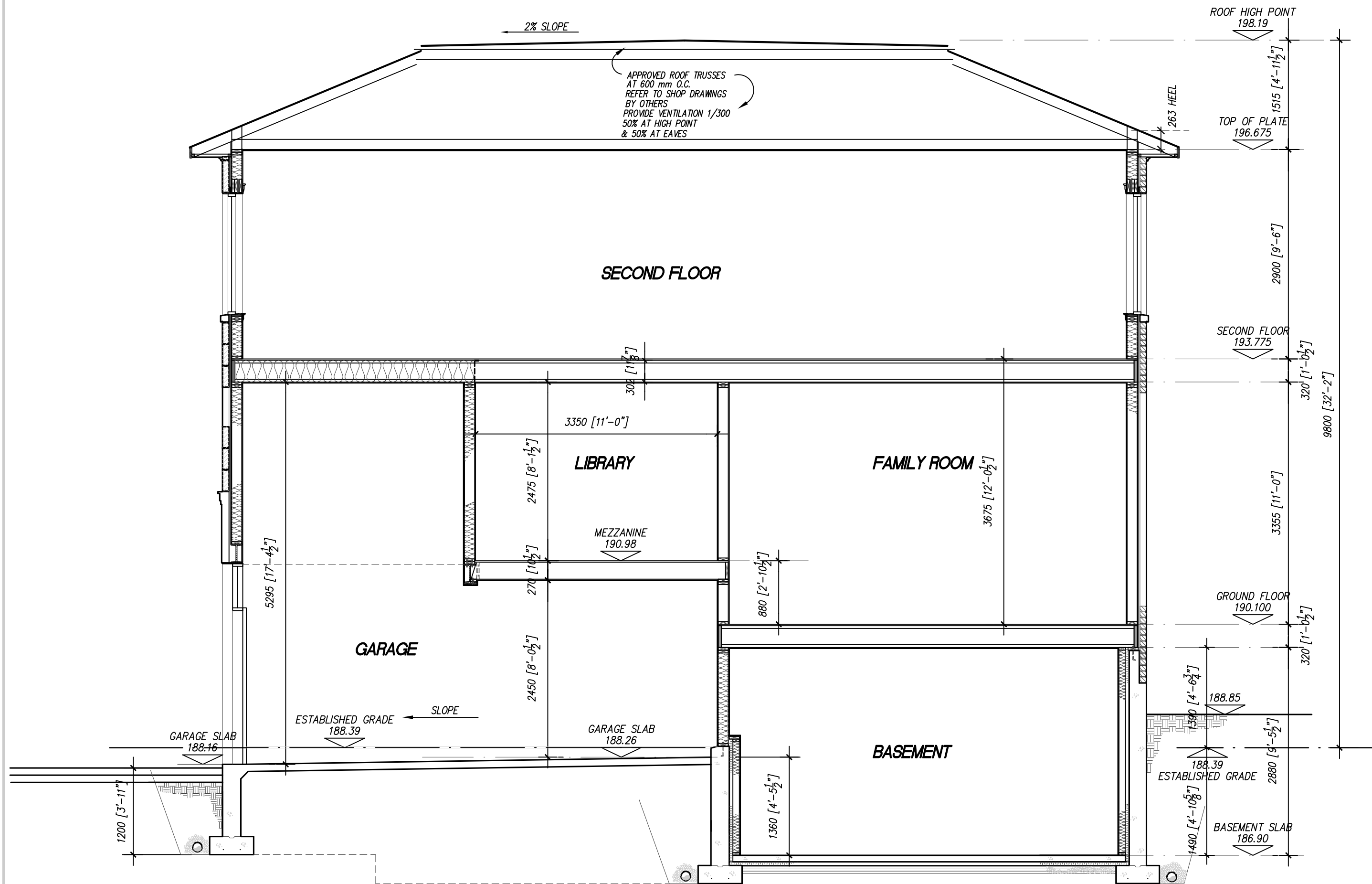
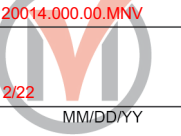
No.	Date	Issued/Revision	By

Project Address	9 Hughson Drive		Markham, Ontario	
Project	NEW 2 STOREY DETACHED SINGLE FAMILY DWELLING			
Title	FLOOR PLANS			
<i>Silva & Associates</i> <i>Architectural Consultants</i> 2 ST. LAWRENCE AVENUE TORONTO, ONT. M5E 5T8 TEL: (416) 820-1421 EMAIL: mario@torontobuildingpermits.com			Date Mar. 2022 Drawn by Project No.	Scale 1:50 1/4" = 1'-0" Dep. No. 19766
			A5.0	

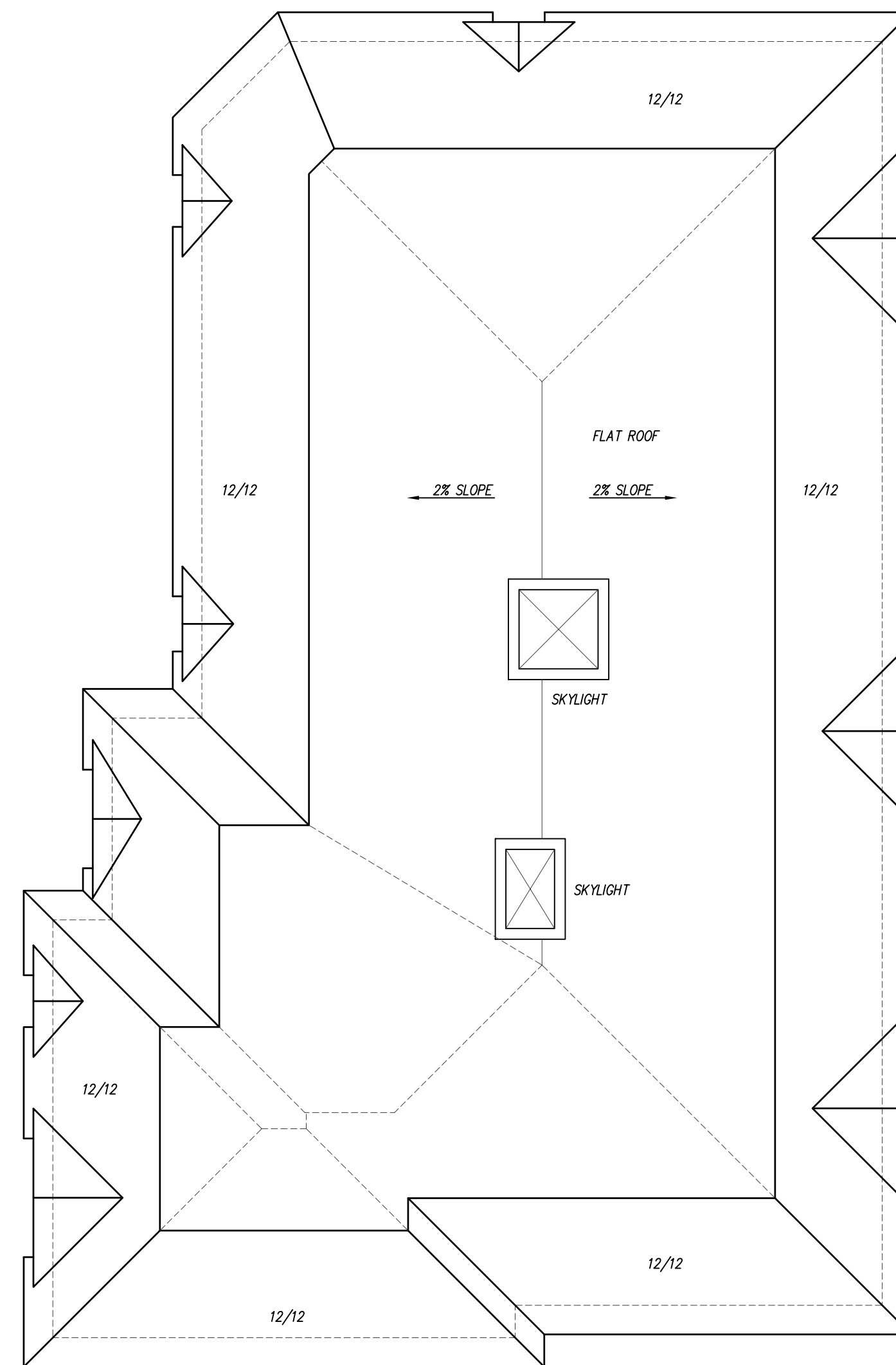
Appendix B

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Date: 09/12/22



BUILDING SECTION 1 1:50

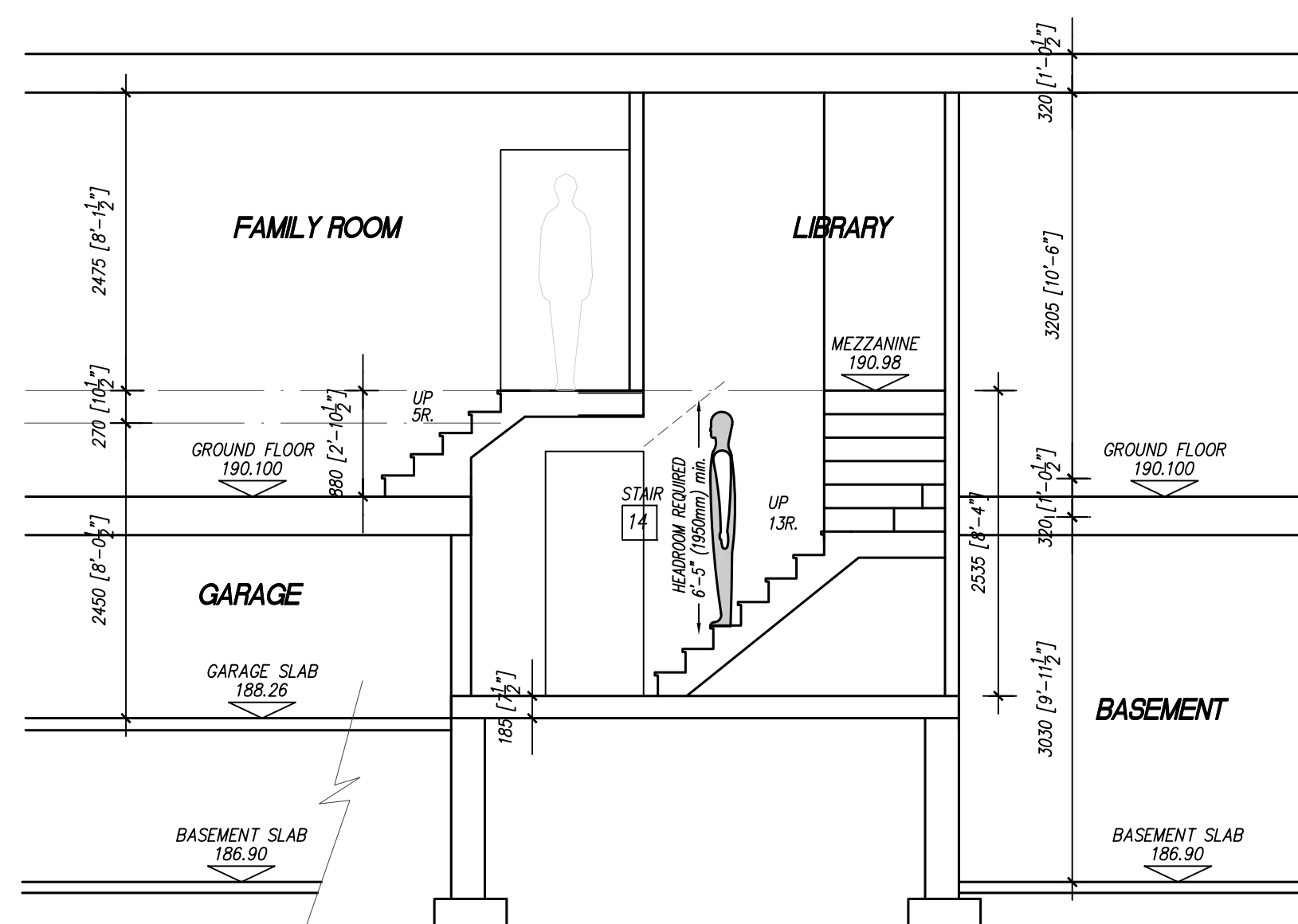


ROOF PLAN 1:75

LEGEND

- S.A. SMOKE ALARM / CARBON MONOXIDE DETECTOR INTERCONNECTED
S.A. SMOKE ALARM VISUAL SIGNALING AS PER O.B.C. TO ALL BEDROOMS
SOLID WOOD BEARING
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LOAD BEARING WALL
WALL CONSTRUCTION TYPE
RWL RAIN WATER LEADER
G GAS METER
HYDRO METER
1FR. FIRE RATING

SECOND FLOOR



BUILDING SECTION 2 1:50

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Project Address	9 Hughson Drive		Markham, Ontario		
Project	NEW 2 STOREY DETACHED SINGLE FAMILY DWELLING				
Title	BUILDING SECTIONS/ ROOF PLAN				
<i>Silva & Associates</i> Architectural Consultants		Date	Mar. 2022	Scale	1:50 1/4" = 1'-0"
2 ST. LAWRENCE AVENUE TORONTO, ONT. M8Z 5T8		Drawn by	A6.0		
EMAIL: mario@torontobuildingpermits.com		Project No.	19766		

22x34 sheet size

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/085/22

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” – Plans to this Staff Report, 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; and
6. That written confirmation be provided to the Regional Municipality of York that adequate water supply and sewage capacity has been allocated for the proposed dwelling, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction Regional Municipality of York.

CONDITIONS PREPARED BY:



Deanna Schlosser, MCIP RPP, Senior Planner, Central District