

Memorandum to the City of Markham Committee of Adjustment

November 4, 2019

File: A/122/19
Address: 22 Parkway Ave – Markham, ON
Applicant: Shaqil Kassam and Caroline Lee-Ming Chua
Agent: Baroque Group Inc.
Hearing Date: Wednesday November 27, 2019

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

The applicant is requesting relief from the following requirements of By-law 1229, R1 as amended:

Amending Infill By-law 99-90, Section 1.2 (iii):

To permit a maximum building depth of 21.9 metres, whereas the By-law permits a maximum building depth of 16.8 metres; as it relates to a proposed rear yard canopy.

BACKGROUND

Property Description

The 978.64 m² (10,534 ft²) subject property is located on the north side of Parkway Avenue, which is east of Main Street Markham North, west of Paramount Road and south of Ramona Boulevard. There is an existing two-storey detached dwelling on the subject property, which according to assessment records was constructed in 2016. An existing rear yard deck is located at the northwest side of the dwelling.

The property is located within an established residential neighbourhood primarily comprised of one and two-storey detached dwellings. The surrounding area is undergoing a transition with examples of newer infill redevelopment. Mature vegetation and trees exist in the rear yard.

Proposal

The applicant is proposing a covered canopy with unenclosed sides above a proposed concrete patio. The proposed covered canopy extends the overall building depth or length of the dwelling, which necessitated the submission of this variance application. The proposed development is shown on the site plan which is attached as Appendix 'A'.

Official Plan and Zoning

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

The subject property is designated "Residential – Low Rise" in the 2014 Official Plan which provides for low rise housing forms.

Zoning By-Law 1229

The subject property is zoned R1 under By-law 1229, as amended which permits a single-family dwelling. The proposed development does not comply with the by-law requirements with respect to maximum building depth.

Residential Infill Zoning By-law 99-90

The property is also subject to the Residential Infill Zoning By-law. 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 depth.

Applicant's Stated Reason(s) for Not Complying with the Zoning By-law

According to the information provided by the applicant, the reason for not complying with the Zoning By-law is that the, *"proposed canopy exceeds the maximum allowable building depth of 16.8m, with 5.1m of relief being requested. The proposed canopy is needed for privacy and area needed to contain outdoor activities."*

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not 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.

Previous Minor Variance (A/18/15)

A previous variance application was approved on March 25th for the property, to permit an increased maximum net floor area ratio of 50.22% and maximum building height of 11.0 metres. Approval of this previous variance application facilitated development of the existing dwelling.

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 Building Depth

The applicant is requesting a maximum building depth of 21.9 m (71.85 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This is an increase of 5.1 m (16.7 ft)

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is nearest to the front lot line, and the other through the point on the dwelling which is the farthest from the front lot line.

The existing two-storey dwelling complies with the maximum building depth requirement of 16.8 m. The requested building depth variance is entirely attributable to the proposed unenclosed canopy, which is a modestly scaled structure to provide covered amenity space. The proposed canopy maintains generous rear and side yard setbacks, and will not result in any impact to abutting properties. Staff are of the opinion that the variance request is appropriate.

PUBLIC INPUT SUMMARY

Four written submissions have been received in support of the requested variance, and no written objections having been received as of the date of this memorandum. 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 objections. 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 "B" for conditions to be attached to any approval of this application.

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:

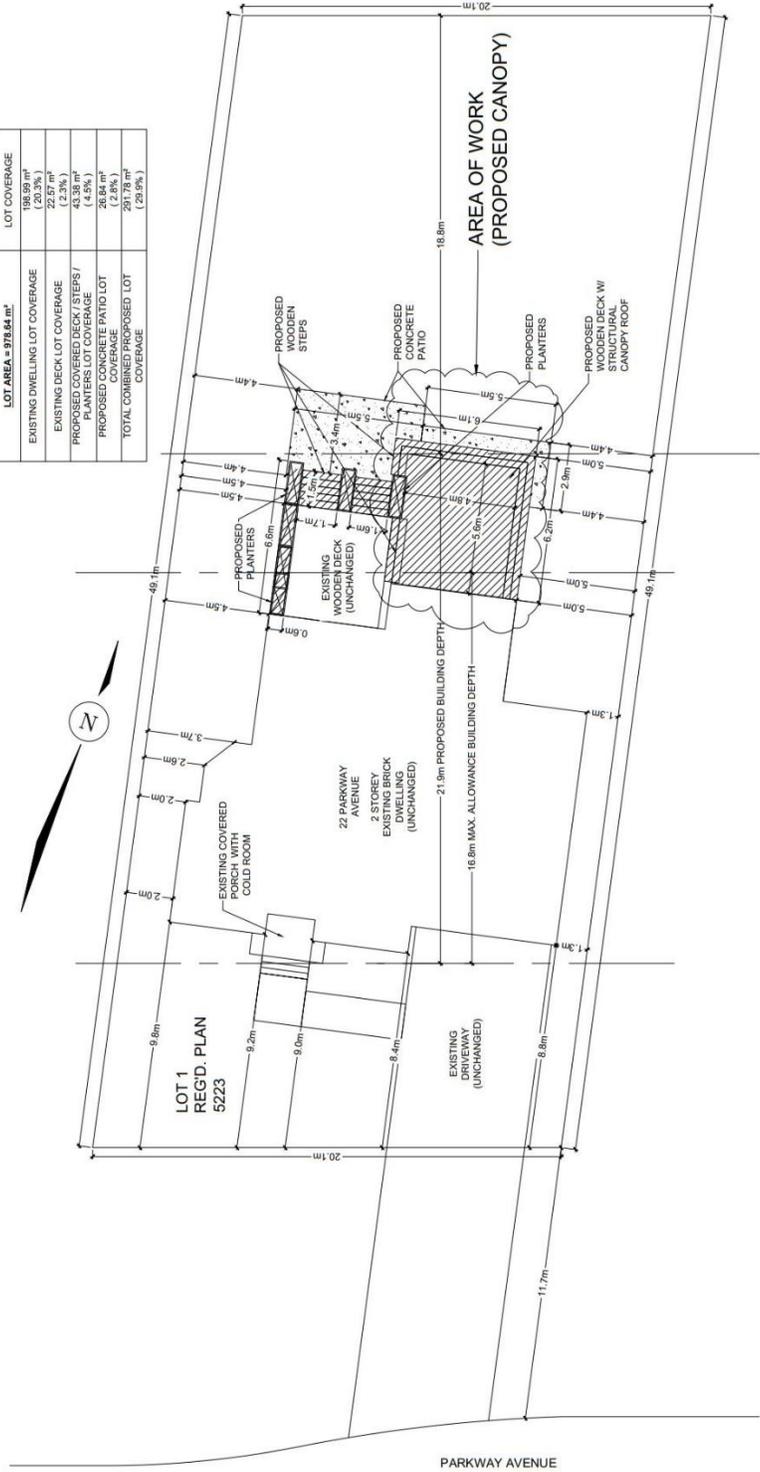


Stephen Corr, Senior Planner, East District

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APPENDIX "A"
SITE PLAN TO BE ATTACHED TO ANY APPROVAL OF FILE A/122/19

LOT COVERAGE CALCULATIONS	
TOTAL LOT AREA = 10,534 SF	
LOT AREA = 978.84 m ²	LOT COVERAGE
EXISTING DWELLING LOT COVERAGE	198.59 m ² (20.3%)
EXISTING DECK LOT COVERAGE	1.72 m ² (0.17%)
PROPOSED COVERED DECK / STEPS / PLANTERS LOT COVERAGE	43.38 m ² (4.4%)
PROPOSED CONCRETE PATIO LOT COVERAGE	26.84 m ² (2.74%)
TOTAL COMBINED PROPOSED LOT COVERAGE	291.78 m ² (29.9%)



1 SITE PLAN SHOWING PROPOSED DECK & PATIO
 AUG. 2 / SCALE = 1:100
 PROPERTY IS ZONED R-1

APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/122/19

1. That the owner implement and maintain all of the works required in accordance with the conditions of this variance;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report and received by the City of Markham on October 31, 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;

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'AT', with a horizontal line extending to the right from the end of the signature.

Aleks Todorovski, Planner, Zoning and Special Projects