



Report to: Development Services Committee

Report Date: May 7, 2013

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**SUBJECT:** PRELIMINARY REPORT  
Philip K. H. Eng (Owner)  
5 Oakcrest Avenue  
Zoning by-law amendment to permit one new detached dwelling

File No. ZA 13 131319

**PREPARED BY:** Michael Fry, Planner, ext. 2331  
**REVIEWED BY:** Richard Kendall, Central District Manager, ext. 6588

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**RECOMMENDATION:**

- 1) That the report dated May 7, 2013 titled “PRELIMINARY REPORT, Philip K. H. Eng (Owner), 5 Oakcrest Avenue, Zoning by-law amendment to permit one new detached dwelling, File No. ZA 13 131319” be received;
- 2) That a Public Meeting be held to consider the application submitted by Trevor Gain and Associates, on behalf of the owner, for a zoning by-law amendment to permit one new detached dwelling unit; and,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

Not applicable

**PURPOSE:**

The purpose of this report is to provide preliminary information on a zoning by-law amendment application submitted for 5 Oakcrest Avenue (the “subject land”) and to seek authorization to hold a statutory Public Meeting. This report contains general information in regards to applicable OP or other policies as well as other issues. The report should not be taken as Staff’s opinion or recommendation on the application.

**The application has been deemed complete**

The zoning by-law amendment application submitted by Trevor Gain and Associates on behalf of the owner, Philip K. H. Eng, to permit one new detached dwelling, was deemed complete on April 5, 2013.

**BACKGROUND:**

The subject property is located at the northeast corner of Oakcrest Avenue and River Bend Road, in the Oakcrest-Sabiston neighbourhood (Figure 1). The existing property

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has a width of 30.78m (101 ft.), a depth of 45.73m (150 ft.), and an area of 1394.23m<sup>2</sup> (0.34 acres).

The Oakcrest-Sabiston neighbourhood is characterized by detached dwellings on large lots with significant natural features (Figure 3). The subject property is surrounded on all sides by detached dwellings.

In 2010, site plan approval was granted to allow for the construction of a 395m<sup>2</sup> detached dwelling on the westerly portion of the existing lot fronting onto Oakcrest Avenue. The approved plans included landscaping elements that were to be installed in the rear yard of the dwelling, the area which is now proposed to be the easterly lot.

#### **Official Plan and Zoning By-law**

The Official Plan designates these lands as Residential. Detached dwellings are a permitted use on the subject property.

The property is zoned Single Family Rural Residential (RRH) by Zoning By-law 122-72 (Figure 2), as amended, which permits detached dwellings on lots with a minimum lot frontage of 30.48m (100 feet) and a minimum lot area of 2044m<sup>2</sup> (0.5 acres).

#### **Sabiston-Oakcrest Site Plan Control Area**

In 1999, Markham passed a site plan control by-law for the Sabiston-Oakcrest neighbourhood. The site plan control by-law was implemented to address redevelopment concerns related to this residential infill area, natural heritage preservation and built form and building siting. Urban design guidelines for the area were also adopted at the same time.

In 2010, Council directed that a study be undertaken for this community in response to a number of development applications to create new lots. The consultant's study made a number of recommendations including introducing new infill zoning standards and urban design guidelines that would apply stricter controls on redevelopment. The recommendations of this study were not endorsed by Council, who supported the potential for severances generally equal to half the original lot size.

#### **PROPOSAL**

Consistent with other development approvals in the area, the owners propose to rezone the subject lands to Single Family Residential (R3) in order to permit the creation of a new residential lot (the east lot) with a lot frontage of 18.95m (62.2 ft.) on River Bend Road, and an area of 577.8m<sup>2</sup> (0.14 acres) to accommodate the construction of a new detached dwelling (Figure 4). The existing detached dwelling is proposed to remain on the retained lot (the west lot). The owners are also seeking relief from the provisions of the R3 zone including;

- i) reduced minimum lot size for the east lot from 696m<sup>2</sup> to 577.8m<sup>2</sup>,
- ii) reduced rear lot line setback for the west lot from 7.6m to 4.7m, and

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- iii) increased floor area ratio from 47% to 55% for the west lot and to 53% for the east lot.

A site plan application has been submitted for the new dwelling in conjunction with the zoning by-law amendment application.

**OPTIONS/ DISCUSSION:**

The proposed new lots, 816.5m<sup>2</sup> for the west lot and 577.9m<sup>2</sup> for the east lot, are smaller than the minimum lot size of 2044m<sup>2</sup> permitted by the current zoning by-law, as amended. The proposed R3 zone requires a minimum lot size of 696m<sup>2</sup>. There are several differing minimum lot size requirements in the immediate area, granted through zoning by-law amendments, ranging from 700m<sup>2</sup> to 1300m<sup>2</sup>. The proposed 577.9m<sup>2</sup> lot would be the smallest lot within the Sabiston-Oakcrest study area.

The existing house was approved through the site plan control process in accordance with the RRH zoning by-law requirements for building setbacks, height, coverage, floor area ratio and lot frontage.

The existing house, which fronts onto and has its garage access from Oakcrest Avenue, presently has a rear yard setback of approximately 20.5m. The severing and conveying of the east portion of the lot would effectively reduce the rear yard setback to 4.7m, which is considerably smaller than the 7.6m rear yard setback that would normally be required either under the RRH or the R3 zone category (Figure 4).

There are a number of mature trees on the site, as well as several trees on the neighbouring property to the east. The previously approved site plan from 2010 (for the now existing house built on the west portion of the property) included tree protection measures and landscaping elements which had not taken into account the development of an additional dwelling unit on the east side of the property. Several of these trees and landscape elements will be lost with the new proposed development.

**FINANCIAL CONSIDERATIONS AND TEMPLATE:**

N/A

**HUMAN RESOURCES CONSIDERATIONS**

N/A

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposal will be evaluated in the context of the City's strategic priorities, including Growth Management.

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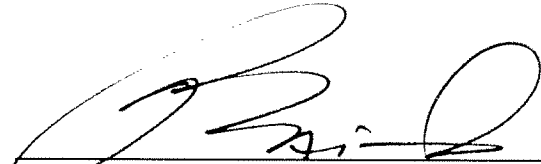
**BUSINESS UNITS CONSULTED AND AFFECTED:**

The application has been circulated to various departments and external agencies and is currently under review.

**RECOMMENDED BY:**



Biju Karumanchery, M.C.I.P., R.P.P.  
Senior Development Manager

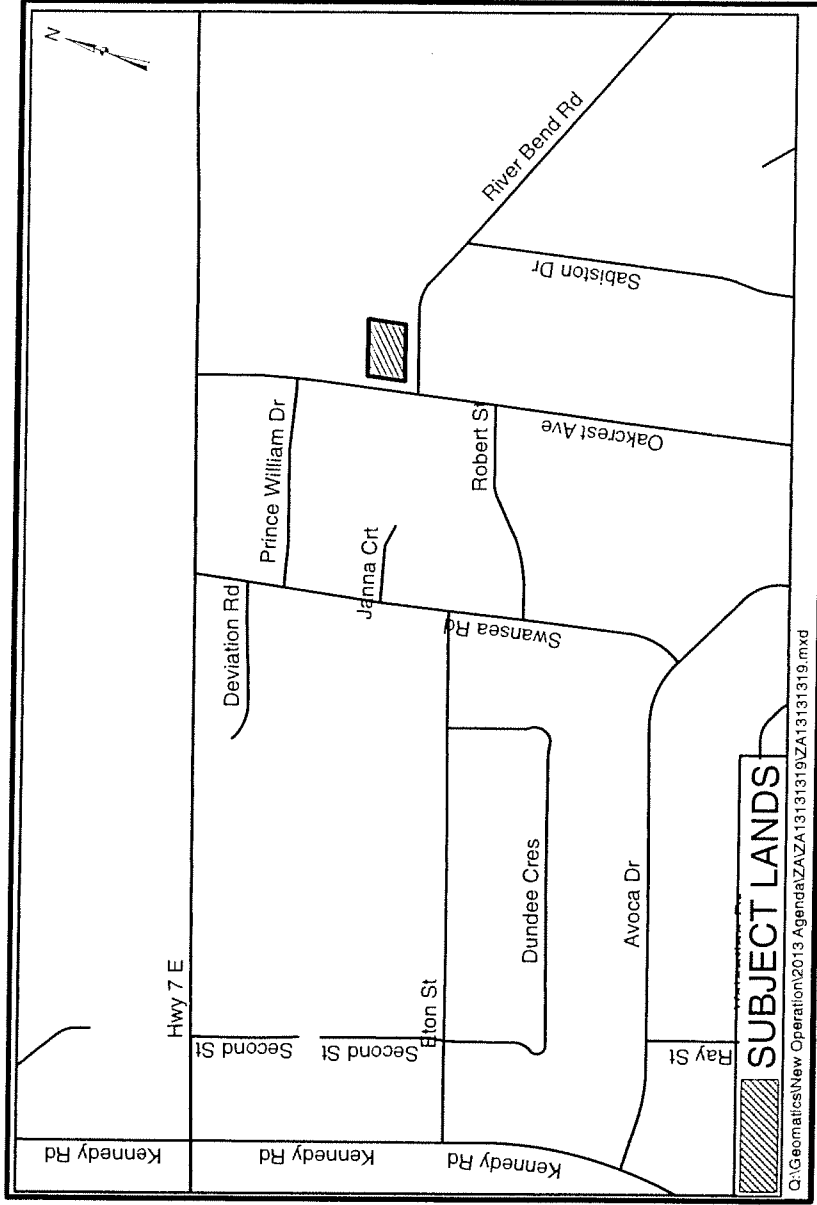


Jim Baird, M.C.I.P., R.P.P.  
Commissioner of Development Services

**ATTACHMENTS:**

- Figure 1 – Location Map
- Figure 2 – Area Context and Zoning
- Figure 3 – Air Photo
- Figure 4 – Proposed Site Plan

File path: Amanda\File 13 131319\Documents\Recommendation Report



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# AREA CONTEXT / ZONING

APPLICANT: TREVOR GAIN & ASSOCIATES  
5 OAKCREST AVENUE

FILE No. ZA. 13131319 (MF)

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# AIR PHOTO


APPLICANT: TREVOR GAIN & ASSOCIATES  
5 OAKCREST AVENUE

FILE No. ZA. 13131319 (MF)

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DEVELOPMENT SERVICES COMMISSION

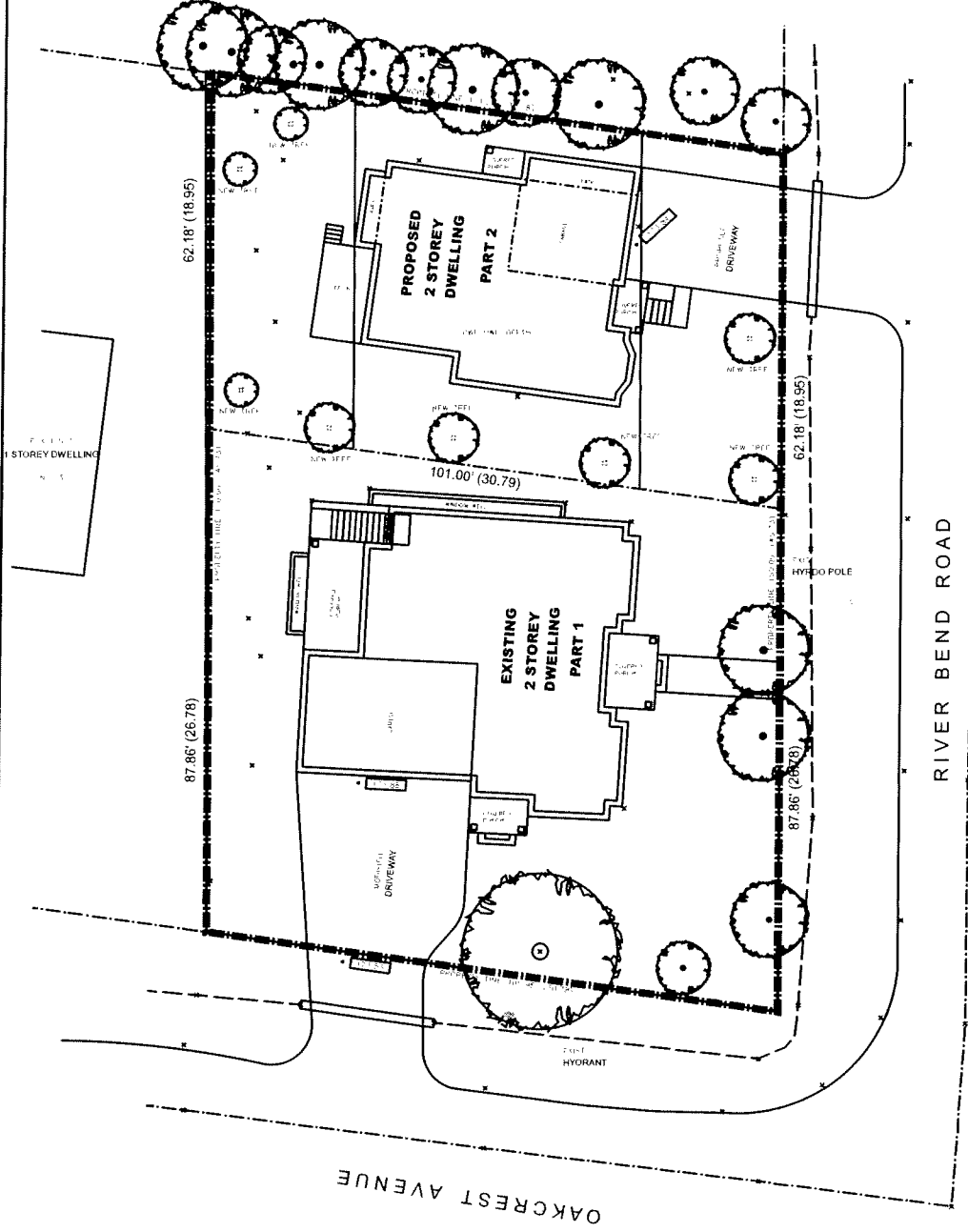
 SUBJECT LANDS

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FIGURE No. 3



# SITE PLAN

APPLICANT: TREVOR GAIN & ASSOCIATES  
5 OAKCREST AVENUE

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**FIGURE No. 4**