



Report to: Development Services Committee

Report Date: March 29, 2011

SUBJECT: Information Report: Unionville Varley Village Infill Housing Working Group (File Number 10-118360)
PREPARED BY: Dave Miller, MCIP, RPP Senior Project Coordinator ext 4960

RECOMMENDATION:

- 1) That the report entitled: "Information Report: Unionville Varley Village Infill Housing Working Group (File Number 10-118360)" be received;
- 2) That staff prepare a draft By-law that incorporates the Infill development standards as outlined in this report;
- 3) That a Public Meeting be scheduled to obtain public input, following a public information session hosted by the Ward 3 Councillor;
- 4) And that staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY

This report is in response to a discussion at Development Services Committee (DSC) in June 2010 regarding a request, from residents, that the Town consider an Infill Housing By-law for the Varley Village neighbourhood. Development Services Committee, at their June 1, 2010 meeting directed staff to establish a process of consultation with representatives of the Unionville Ratepayers Association and other stakeholders to consider the scope and possible merit of an Infill Housing By-law for the Varley Village area. The Working Group has met formerly 7 times since July 2010 and are of the opinion that it is appropriate that Infill By-law provisions be added to the zoning for the area.

The Varley Village study area of Unionville, as described by the Unionville Ratepayers Association, is north of Highway 7, south of Carlton Road, and includes amongst other streets Sciberras Road, Fred Varley Drive, a portion of Fitzgerald Avenue, Krieghoff Avenue, Gainsville Avenue, and a portion of Pomander Road. (See: Figure 1 – Varley Village Study Area and Zoning.) There are approximately 654 properties in this area. Most of the homes are ground oriented single detached dwellings. The lots in the area range in size from about 6,100 ft² to 19,500 ft², and frontages range from 32 ft. to 120 ft.

The existing zoning dates to the early 1970's, and is typical of zoning from that time. It regulates lot area and frontage, building setbacks (front, rear and side), height and lot coverage. A summary of the current zoning provisions can be found in Tables 1 and 2, of this report.

In response, to the trend to build larger homes in the Varley Village area, the Working Group is generally supportive of adding new provisions to the existing zoning to more tightly regulate infill development in the Varley Village Area. The provisions being

suggested are generally consistent with the zoning provisions found in the other Infill By-laws that apply to other areas of the Town. (See: Figure 4 – Locations of Town of Markham Infill By-laws.) The new provisions relate to the maximum Number of Stories, maximum Building Depth, maximum Garage Width, maximum Garage Projection, maximum Floor Area Ratio, and a prohibition of reverse slope driveways.

A proposal to add a layer of additional Infill zoning provisions could be controversial, and there will likely be a range of public opinion on the merit of additional regulations. Consequently, the report concludes that a statutory Public Meeting be held following a public information session hosted by the Ward 3 Councillor and the other members of the Unionville Sub-committee. The public information session will be used to educate the public with respect to the proposal, to gauge the public's reaction to the proposed provisions and to make refinements to the proposed provisions if warranted, prior to a statutory Public Meeting.

PURPOSE

Based on a request by some residents of the Varley Village area the Development Services Committee on June 1, 2010 directed that the Unionville Subcommittee and Town staff establish a process of consultation with representatives of the Unionville Ratepayers Association and other stakeholders in the Varley Village area to consider the scope and possible merit of an Infill Housing By-law for the area. The report summarizes the process and recommendations of the working group, and makes recommendations about next steps that include a statutory Public Meeting following a public information session.

BACKGROUND

Area and Context

The Varley Village study area, as described by the Unionville Ratepayers Association, is north of Highway 7, south of Carlton Road, and includes amongst other streets Sciberras Road, Fred Varley Drive, a portion of Fitzgerald Avenue, Krieghoff Avenue, Gainsville Avenue, and a portion of Pomander Road. (See: Figure 1 – Varley Village Study Area and Zoning.) There are approximately 654 properties in this area. The homes are ground oriented single detached dwellings. The lots in the area range in size from about 567m² (6,100 ft²) to 1,810m² (19,500 ft²), and frontages range from 9.75m (32 ft.) to 36.5m (120 ft.).

The older parts of the neighbourhood were built in the mid to late 1960's and the early 1970's, and some of the newer streets were built in the late 1980's and early 1990's. Most of the homes in the area are ground oriented single detached dwellings.

The existing zoning dates to the early 1970's, and is typical of zoning from that time. It regulates lot area and frontage, building setbacks (front, rear and side), height and lot coverage.

This report is in response to a discussion at Development Services Committee (DSC) in June 2010 regarding a request, from residents, that the Town consider an Infill Housing By-law for the Varley Village neighbourhood. Development Services Committee, at their June 1, 2010 meeting directed staff to establish a process of consultation with representatives of the Unionville Ratepayers Association and other stakeholders to consider the scope and possible merit of an Infill Housing By-law for the Varley Village area. (Excerpt of the June 1, 2010 Development Services Committee - see Appendix "A")

The concerns recently identified by some area residents include a number of issues, such as the relation of new homes, additions to existing dwellings, and construction activity on neighboring properties and impacts, such as noise, environmental impacts related to tree removal and waste disposal. A number of these issues are already addressed, in part, by existing Town policies and regulations, such as the Tree and Noise By-laws.

The Working Group Process

Ward 3 Councillor Don Hamilton along with members of the Unionville Ratepayers association recommended the composition of the Varley Village Working Group. The members selected for the working group include local residents, a home designer and a real estate agent.

The working Group has met a total of 7 times, with meetings in July, August, September, October, two in November 2010 and one meeting in January 2011.

Meeting One: included a general discussion regarding the merits of having an Infill By-law for the Varley Village Area.

Meeting Two: included a walking tour so that staff and the working group members could see the development that has occurred in the neighbourhood and to discuss what the residents believe to not be compatible or complimentary to the existing community.

Meeting Three: staff provided an overview of the Town's existing Infill Housing By-law provisions, and the residents provided a summary of their concerns about how some of the properties in their area are being re-developed.

Meeting Four: the Building Standards Director provided an overview of the role of the Building Department and the purpose of the Building Code, which is to ensure a minimum standard of health, safety and accessibility for new construction by regulating and controlling the design and construction process. The Building Department only issues building permits that conform to zoning regulations.

Meeting Five: staff from the Community and Fire Services Commission and the Corporate Services Commission spoke with the Working Group about the administration and enforcement of the Tree By-law. The working

group is particularly concerned with the loss of mature trees in the area as a result of construction.

Meeting Six: staff from Planning and Urban Design Department provided a detailed overview of the development standards being proposed. The Working Group members provided feedback and made suggestions for further refinements, which have been reflected in the standards proposed with this report. Additional information with respect to the heights of some existing homes was requested.

Meeting Seven: Staff presented some additional material, related to the heights of approximately 24 homes in or near the study area. The material included photos and information about the homes' heights, according to their approved building permit.

With the exception of approximately 16 lots in the Fonthill Boulevard and Fred Varley Drive area, where the maximum building height is 35 feet (10.67 m), the maximum permitted height in the study area is 25 feet (7.62 m). After extensive discussion the Working Group concluded that the existing zoning By-law height provisions, for new homes and additions, should not change and recommend the status quo. Figure 2 – Maximum Building Heights, shows the areas to which the 25 foot (7.62 m) and 35 (10.7 m) maximum height provisions apply.

Copies of the Minutes of the Unionville Sub-committee Varley Village Infill By-law Working Group meetings are attached as Appendix "B".

OPTIONS/ DISCUSSION

Current Zoning By-law Provisions that Apply to the Varley Village Area

Most of the homes in the Varley Village area are either zoned R3 or R4 by By-law 11-72, as amended or R3 by By-law 122-72, as amended. Tables 1 and 2 (below) summarizes the development standards that generally apply to the Varley Village area today. (See Figure 1 for Study Area map with zoning designation information overlay. See Figure 3 – Existing Zoning - Typical Setbacks)

Table 1 - R3 and R4 by By-law 11-72, as amended

	Minimum						Maximum	
	Lot Frontage	Lot Area	Front Yard	Side Yard		Rear Yard	% Lot Coverage	Height ¹
				One storey	Two Storey			
R3	60 feet (18.3 m)	7,500 sq. ft. (697 m ²)	27 feet (8.23 m)	4 feet (1.22 m)	6 feet (1.83 m)	25 feet (7.62 m)	33 1/3	25 feet (7.62 m)
R4	50 feet (15.24 m)	6,250 sq. ft. (581 m ²)						
Minimum Setback for attached garages – 20 feet (6.1 m)								
Minimum Flankage (exterior) side yard setback – not less than 12 feet (3.66 m) or ½ the height of the building, whichever is greater.								
1. Building Height is measured from established grade to the mid-point between the eaves and the ridge.								

Table 2 - R3 By-law 122-72, as amended

	Minimum						Maximum	
	Lot Frontage	Lot Area	Front Yard	Side Yard		Rear Yard	% Lot Coverage	Height ¹
				One storey	Two Storey			
R3	60 feet (18.3 m)	7,500 sq. ft. (697 m ²)	25 feet (7.62 m)	4 feet (1.22 m)	6 feet (1.83 m)	25 feet (7.62 m)	33 1/3	35 feet (10.67 m)
Minimum Setback for attached garages – 20 feet (6.1 m)								
Minimum Flankage (exterior) side yard setback – not less than 12 feet (3.66 m) or ½ the height of the building, whichever is greater.								
1. Building Height is measured from established grade to the mid-point between the eaves and the ridge.								

Additional Zoning By-law Provisions Recommended by the Working Group

In response to the trend to build larger homes in the Varley Village area the Working Group is generally supportive of adding provisions to the existing zoning to more tightly regulate infill housing in the area.

The development standards that the Working Group are recommending, to be included in a new Infill By-law for the Varley Village area, are summarized in Table 3 below. These provisions will be in addition to the provisions noted above. The proposed Infill provisions are generally consistent with, and vary only slightly from, the provisions found in Infill By-laws that apply to other areas of the Town. (Figure 4 shows the locations where Infill By-laws have been implemented elsewhere in the Town.)

Table 3 – Proposed Infill By-law Development Standards

Provisions			Requirements
Maximum Number of Stories within a single vertical plane (See Figure 5)			2
Maximum Building Depth ¹ (See Figure 6)			16.8 metres (55.12 ft.)
Maximum Garage Projection ² (See Figures 7 & 8)			1.5 metres (4.9 ft.)
Maximum Garage Width	Frontages ≤ 21.3 metres (70 ft.)		7.7 metres (25.3 ft.)
	Frontages > 21.3 metres (70 ft.)		10 metres (32.8 ft.)
<div>Maximum Floor Area Ratio</div> <ul style="list-style-type: none">Appendix “C” shows an example of the Maximum Floor Area Ratio calculation.Appendix “D” compares the maximum floor area permitted by the current Lot Coverage provision to the Maximum floor area that will be permitted with a Maximum Floor Area Ratio added to the zoning.	R4	Lot Area	
		≤ 975 m ² (10,500 ft. ²)	55%
		> 975 m ² (10,500 ft. ²)	50% ³
	R3	≤ 975 m ² (10,500 ft. ²)	51%
		> 975 m ² (10,500 ft. ²)	48% ⁴
No <i>private garage</i> shall have a finished floor elevation lower than the elevation of the crown of the road from which access to the <i>private garage</i> is provided. (See Figure 9)			

1. The maximum *depth* may be increased to 18.9 metres (62 feet) by an extension to the rear of the dwelling provided the extension:
 - i. does not exceed one *storey*,
 - ii. does not exceed 4.6 metres (15.1 ft.) from *established grade* to its roof's highest point,

- iii. is setback from all lot lines a minimum distance of 3 metres (9.8 ft.), and
- iv. is less than $\frac{1}{2}$ the width of the *dwelling*.

Architectural features, such as cantilevered bay windows and chimney breasts less than 3 metres (10 ft.) wide that project no more than one (1) metre (3.3 ft.) from the rear wall, are not included in maximum *building depth*.

- 2. No part of any *garage* shall project closer to a *streetline* than 1.5 metres (4.9 ft.) beyond the wall of the first storey of the main building closest to the *streetline*.

The maximum garage projection may be increased from 1.5 m (4.9 ft.) to 2.1 metres (6.9 ft.) if there is a covered porch adjacent to the same *yard* that the garage opening, used for motor vehicle to access to the *private garage*, faces.

- 3. The Maximum Floor Area shall be the greater of 4,600 ft² or 50% Maximum Floor Area Ratio.
- 4. The Maximum Floor Area shall be the greater of 4,600 ft² or 48% Maximum Floor Area Ratio.

Public Opinion about Adding Infill Provisions May Vary

Although the working group is comprised of a cross-section of representatives from the community, they recognize that they don't necessarily represent all of the views of the resident in the Varley Village area regarding the imposition of additional zoning standards to regulate the size of homes. A proposal to add a layer of additional Infill By-law zoning provisions could be controversial, and there will likely be a range of public opinion regarding the merit of additional zoning regulations, particularly regarding the potential to negatively impact property values. (It is for this reason that not all built up areas of the Town were included by Council in the original Infill By-laws of the early 1990's.)

Staff recommend that the proposal of the Working Group to add Infill Zoning By-law provisions to the Varley Village area be presented to the public at an information session, hosted by the Ward 3 Councillor and the other members of the Unionville Subcommittee. This will give the public an opportunity to review the proposed By-law provisions and provide feedback to the Working Group and staff for consideration, prior to a statutory Public Meeting.

FINANCIAL CONSIDERATIONS AND TEMPLATE

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES

The zoning By-law refinements suggested will align with Council's Growth Management and Environmental strategic focus areas.

BUSINESS UNITS CONSULTED AND AFFECTED

Staff consulted the Building Department of the Development Services Commission with respect to the Building Code, By-law Enforcement of the Corporate Services Commission with respect to enforcement of the Tree By-law, and Business and Technical Services of the Community and Fire Services Commission with respect to the administration of the Tree By-law.

RECOMMENDED BY:

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

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

ATTACHMENTS:

Figure 1 – Varley Village Study Area and Zoning

Figure 2 – Maximum Building Heights

Figure 3 – Existing Zoning - Typical Setbacks

Figure 4 – Location of Town of Markham Infill By-laws

Figure 5 – Maximum Building Height & Maximum Number of Stories

Figure 6 – Maximum Building Depth

Figure 7 – Maximum Garage Projection (No Porch)

Figure 8 – Maximum Garage Projection (Porch)

Figure 9 – No Reverse Slope Driveways

Appendix A – Excerpt of the June 1, 2010 Development Services Committee

Appendix B – Maximum Floor Area Ratio Calculation and Example

Appendix C – Comparison of Range of Maximum Floor Areas by Lot Coverage and Floor Area Ratio

Appendix D – Definitions

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