

Memorandum to the City of Markham Committee of Adjustment

August 8, 2024

File: A/006/24
Address: 16 Ferrah Street, Markham
Applicant: Frank Rotundo Architect inc. (Frank Rotundo)
Hearing Date: Wednesday, August 14, 2024

The following comments are provided on behalf of the Central District Team. The Applicant is requesting relief from the following requirements of the “Fourth Density Single Family Residential (R4) Zone” in By-law 11-72, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

- a) **By-law 11-72, Section 6.1:**
a minimum front yard setback of 24 feet 5 inches (7.45 metres) to the covered porch, whereas the by-law requires a minimum front yard setback to the covered porch of 27 feet;
- b) **By-law 11-72, Section 6.1:**
a maximum lot coverage of 38.6 percent, whereas the by-law permits a maximum lot coverage of 33 and 1/3 percent;
- c) **By-law 11-72, Section 6.1:**
a maximum building height of 28 feet 4 inches provided the main roof deck is no higher than 26 feet 4 inches, whereas the by-law permits a maximum building height of 25 feet;

NOTE: The variances requested have been revised to respond to Staff’s comments, as follows:

- a) **By-law 11-72, Section 6.1:**
a minimum front yard setback of 24 feet 5 inches (7.52 metres) to the covered porch, whereas the by-law requires a minimum front yard setback to the covered porch of 27 feet;
- b) **By-law 11-72, Section 6.1:**
a maximum lot coverage of 36.36 percent, whereas the by-law permits a maximum lot coverage of 33 and 1/3 percent;
- c) **By-law 11-72, Section 6.1:**
a maximum building height of 27 feet 4 inches provided the main roof deck is no higher than 26 feet 4 inches, whereas the by-law permits a maximum building height of 25 feet;

BACKGROUND

Property Description

The 625.20 m² (6,730 ft²) Subject Lands are located on the north side of Ferrah Street, west of Emmeloord Crescent, and generally north of Highway 7 East (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of two-storey detached dwellings.

There is an existing 148.82 m² (1,602 ft²) two-storey detached dwelling on the Subject Lands, which according to assessment records was constructed in 1974. Mature vegetation exists on the property including one large mature tree in the rear yard.

Proposal

The Applicant is proposing to demolish the existing dwelling and construct a 227.33 m² (2,447 ft²) two-storey detached dwelling (the “Proposed Development”), as shown in Appendix “B”.

Official Plan and Zoning

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

The Subject Lands are designated “Residential Low Rise”, which permits low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. The purpose of this development criteria is to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways. Planning Staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 11-72

The Subject Lands are zoned “Fourth Density Single Family Residential (R4)” under By-law 11-72, as amended, which permits a single detached dwelling. The Proposed Development does not comply with the By-law requirement with respect to front yard setback, lot coverage and building height.

Varley Village Infill Area

The Subject Lands are within an area of the City where there is a trend to build larger houses. In response to concerns with this trend, a number of residents asked that Markham consider an infill housing By-law for the Varley Village neighbourhood. The Unionville Sub-Committee, a Committee of Council, undertook a review of this issue with community consultation, and ultimately

recommended that no action be taken on an infill By-law at the time. This position was endorsed by Development Services Committee on June 19, 2012. As such, the existing By-law standards continue to apply.

Notwithstanding that an infill By-law was not adopted, the Committee should be aware of Council's and the community's concerns with regard to variances and maintaining the current standards of the Zoning By-law. Consequently, the Committee should consider public input before making a decision.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant completed a Zoning Preliminary Review (ZPR) on September 18, 2023 to confirm the initial variances. The Applicant conducted a subsequent ZPR on June 25, 2024, to confirm the variances required for a revised development proposal. Staff provided comments on the June 2024 plans, which resulted in the Applicant submitting revised drawings on August 7, 2024 for the Proposed Development, for which a Zoning Review has not been conducted. 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.

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.

Reduced Front Yard Setback Variance

The Applicant is requesting relief to permit a minimum front yard setback of 24 feet 5 inches (7.52 metres), whereas the By-law requires a minimum front yard setback of 27 feet (8.23 metres). This represents a reduction of 2.33 feet (0.71 metres) and is attributable to the front covered porch.

The main front wall of the building provides a front yard setback of approximately 28.05 feet (8.55 metres) and is consistent with the by-law requirement and the established front yard setback pattern on the street.

Staff are of the opinion that the proposed front yard setback is minor in nature and have no concerns with the requested variance.

Increase in Maximum Lot Coverage

The Applicant is requesting relief for a maximum lot coverage of 36.36 percent (227.33 m²), whereas the By-law permits a maximum lot coverage of 33 and 1/3

percent (208.37 m²). The proposed lot coverage includes the front covered porch, which adds approximately 3.9 m² (42 ft²), respectively, to the overall building area. The total lot coverage excluding the front covered porch is 35.73 percent (223.43 m²).

Given that the front covered porch is unenclosed, Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the dwelling and that the resultant dwelling meets the general intent and purpose of the By-law.

Increase in Maximum Building Height

The Applicant is requesting relief to permit a maximum building height of 27 feet 4 inches (8.33 metres), whereas the By-law permits a maximum building height of 25 feet (7.62 metres). This represents an increase of approximately 2.33 feet (0.71 metres).

Building heights within the Varley Village neighbourhood vary, with older dwellings being replaced with newer dwellings that are generally taller. Staff are of the opinion that the proposed increase in maximum building height is minor in nature and generally consistent with variances approved for other infill dwellings in the area with height variances ranging up to approximately 27 feet (8.23 metres). As such, Staff are of the opinion that the proposed height increase and flat roof design will not result in a dwelling that is incompatible or out of character with its surrounding context and have no concerns with the requested variance.

Tree Protection and Compensation

The Subject Lands contain mature vegetation and mature trees. During the review of the application, the City's Tree Preservation Technician indicated concern with potential injury to the mature neighbouring trees on 18 Ferrah Street. 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, if necessary. The Applicant will be 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 20.0 cm (7.87 in) or more on the subject property or neighbouring properties. Further mitigation through these processes may also be required to ensure that the protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 8, 2024. 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

request variances meet 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 Owner 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:



Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



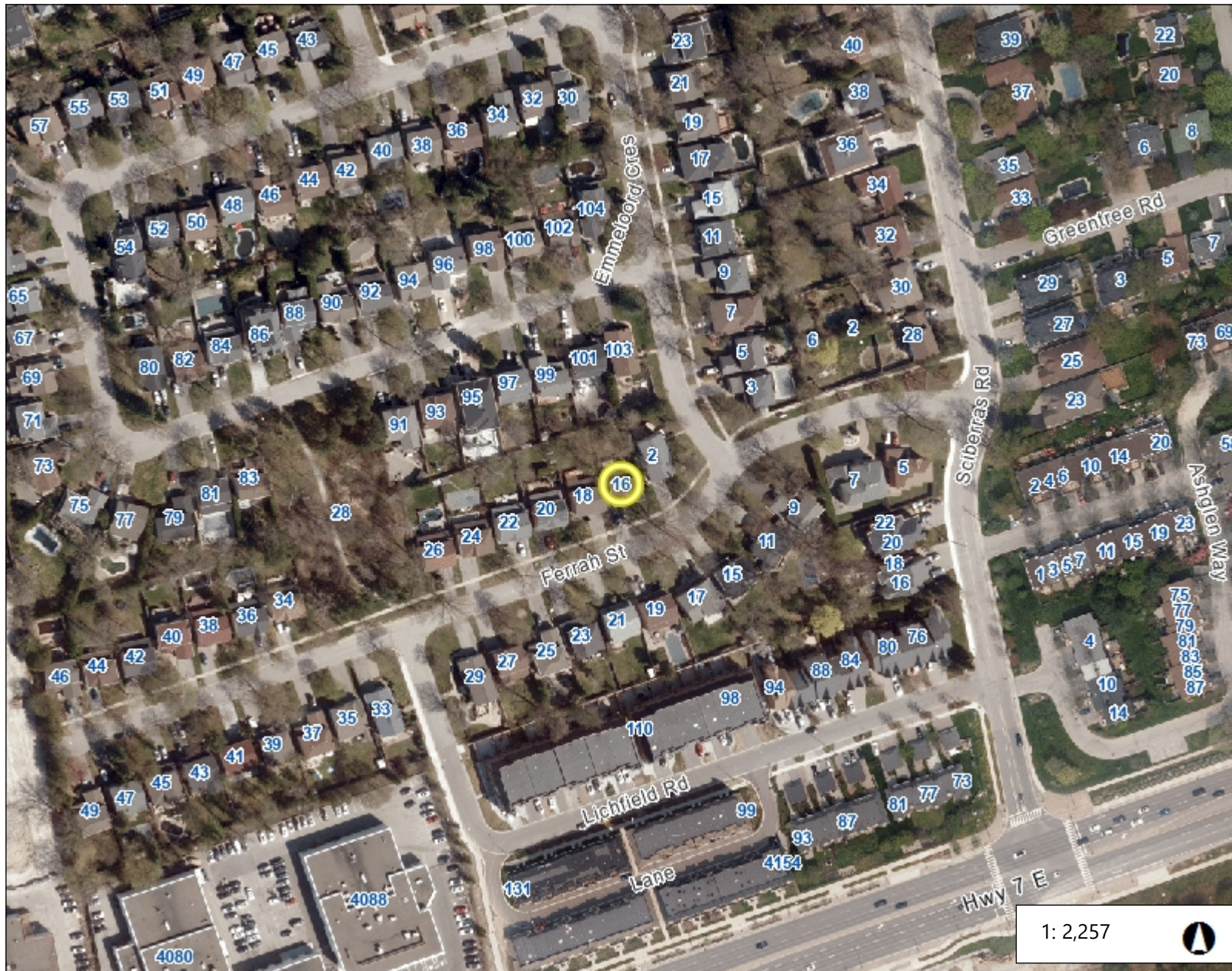
Sabrina Bordone, RPP, MCIP, Development Manager, Central District

APPENDICES

Appendix “A” – Aerial Context Photo

Appendix “B” – Plans

Appendix “C” – A/006/24 Conditions of Approval



Legend
 Subject Property

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.

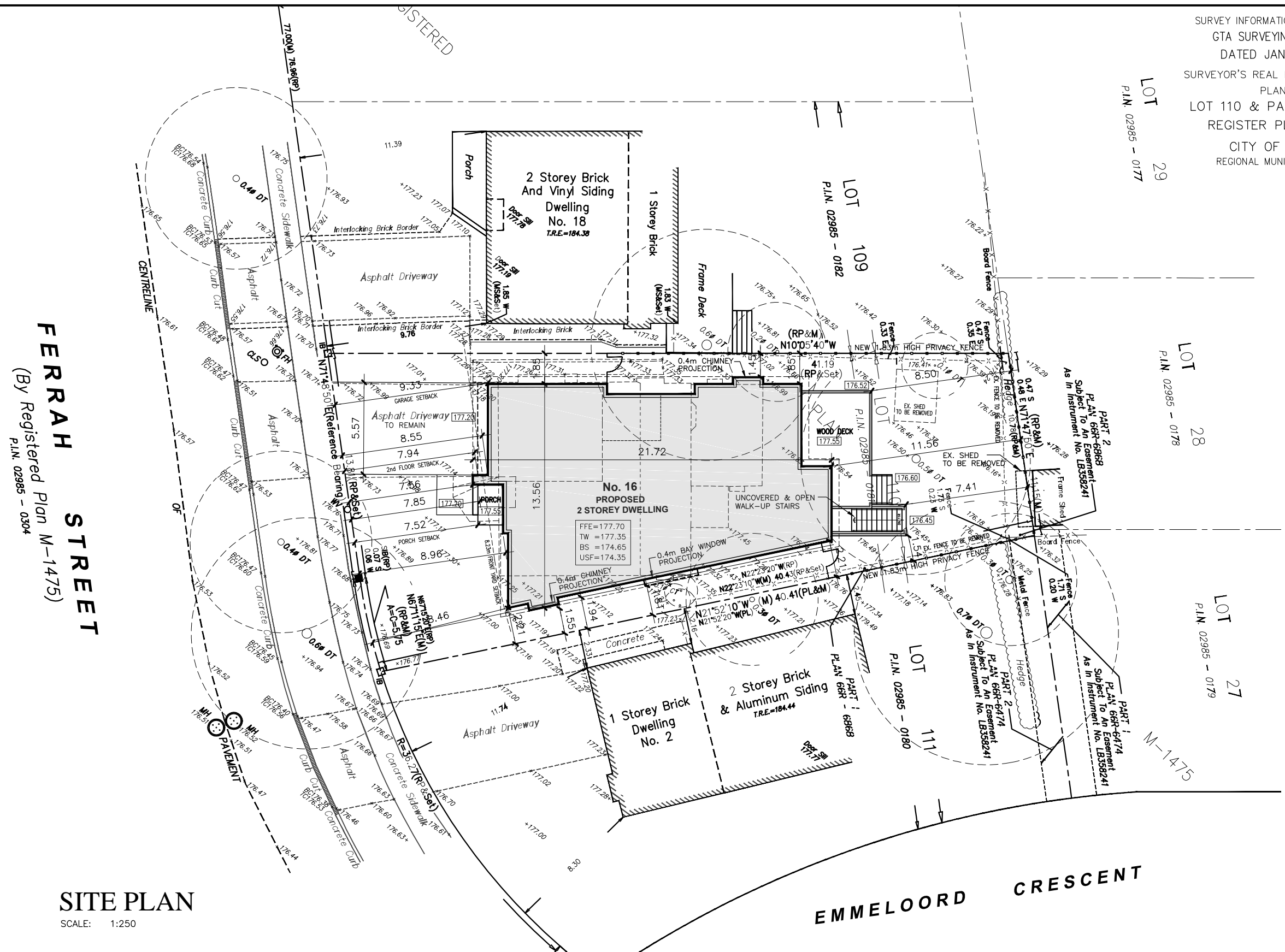
Notes

SURVEY INFORMATION PREPARED BY
 GTA SURVEYING INC., OLS.
 DATED JAN. 9, 2016
 SURVEYOR'S REAL PROPERTY REPORT
 PLAN OF
 LOT 110 & PART OF LOT 111
 REGISTER PLAN M-1475
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

Appendix B

File: 24.159388.000.00.MNV

Date: 8/8/2024
 MM/DD/YY



SITE STATISTICS		
LOT AREA	-	625.20 m ² 6,730 s.f.
EX. DWELLING FOOTPRINT	-	148.82 m ² 1,602 s.f.
PROPOSED BLDG FOOTPRINT (INCLUDING FRONT PORCH)	-	227.33 m ² 2,447 s.f.
COVERAGE	-	36.36 %
WOOD DECK AREA	-	25.73 m ² 277 s.f.
UNCOVERED & OPEN WALK-UP STAIRS	-	8.55 m ² 92 s.f.
PROPOSED GFA:		
GROUND FLOOR AREA	-	180.60 m ² 1,944 s.f.
SECOND FLOOR AREA (NOT INCLUDING OPEN TO BELOW)	-	184.31 m ² 1,984 s.f.
TOTAL FLOOR AREA	-	364.91 m ² 3,928 s.f.
BUILDING HEIGHT:		
2 STOREY	-	8.64 m 28'-4"

SITE PLAN
 SCALE: 1:250



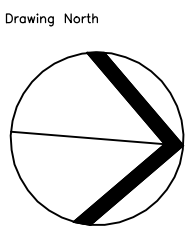
Project Architect:
Frank Rotundo ARCHITECT INC.
 66 Raintree Cres., (416) 358-1103
 Richmond Hill, ON. L4E 3T6

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DO NOT SCALE DRAWINGS

No.	DESCRIPTION	DATE
3	REVISED COVERAGE CALC. & FLR AREA	AUG 07/24
2	REVISED & RE-ISSUED FOR C OF A	MAY 27/24
1	ISSUED FOR C OF A	JAN 03/24



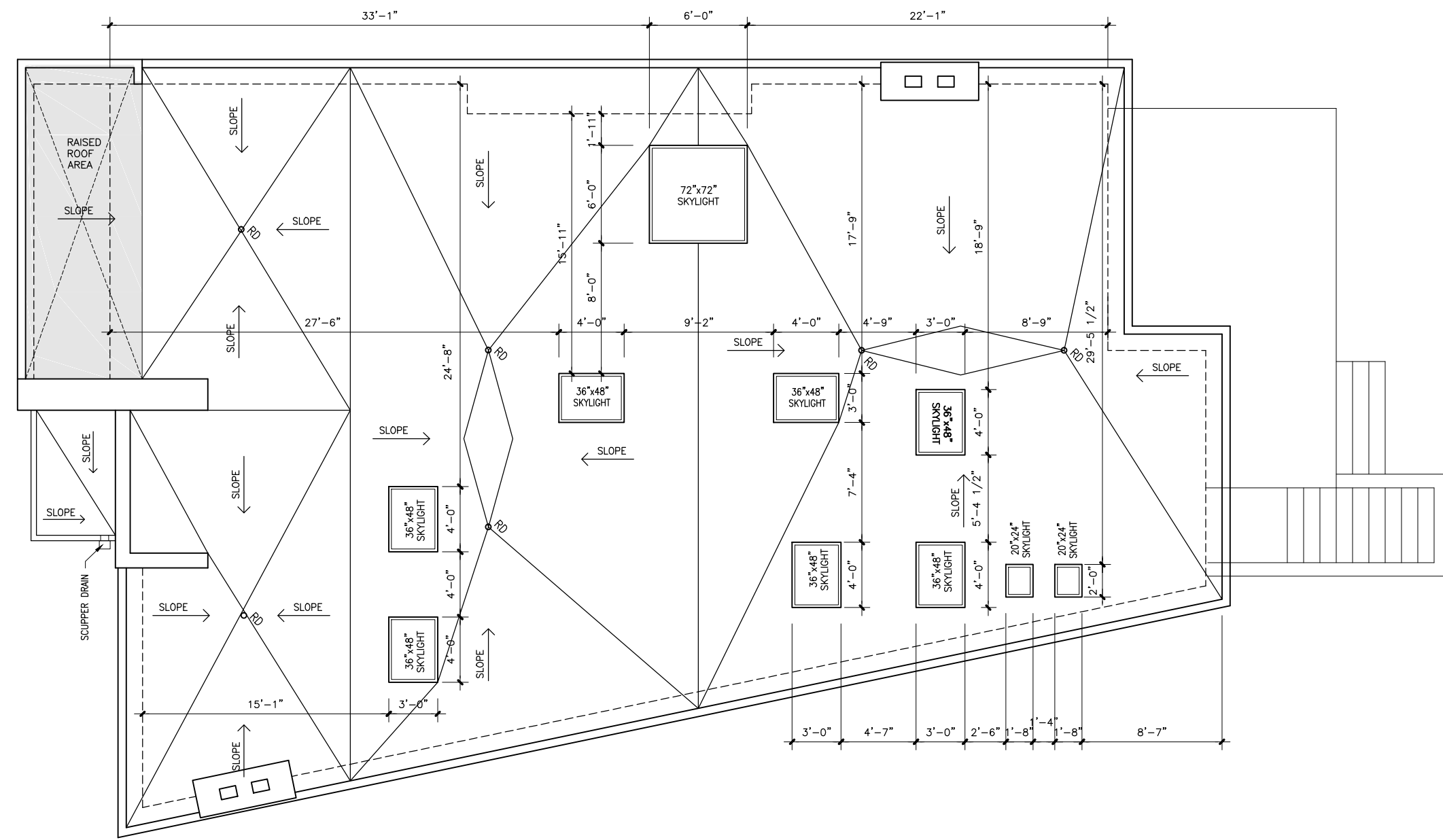
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PROPOSED 2 STOREY DWELLING
16 FERRAH STREET
 UNIONVILLE, ON.

Drawing Title	
SITE PLAN	
Scale	AS SHOWN
Date	
Project Number	FRA23-16
A.1	

Appendix B

File: 24.159388.000.00.MNV

Date: 8/8/2024
MM/DD/YY



ROOF PLAN

SCALE: 1/8"=1'-0"



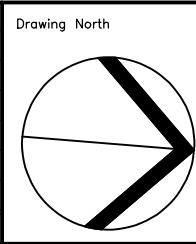
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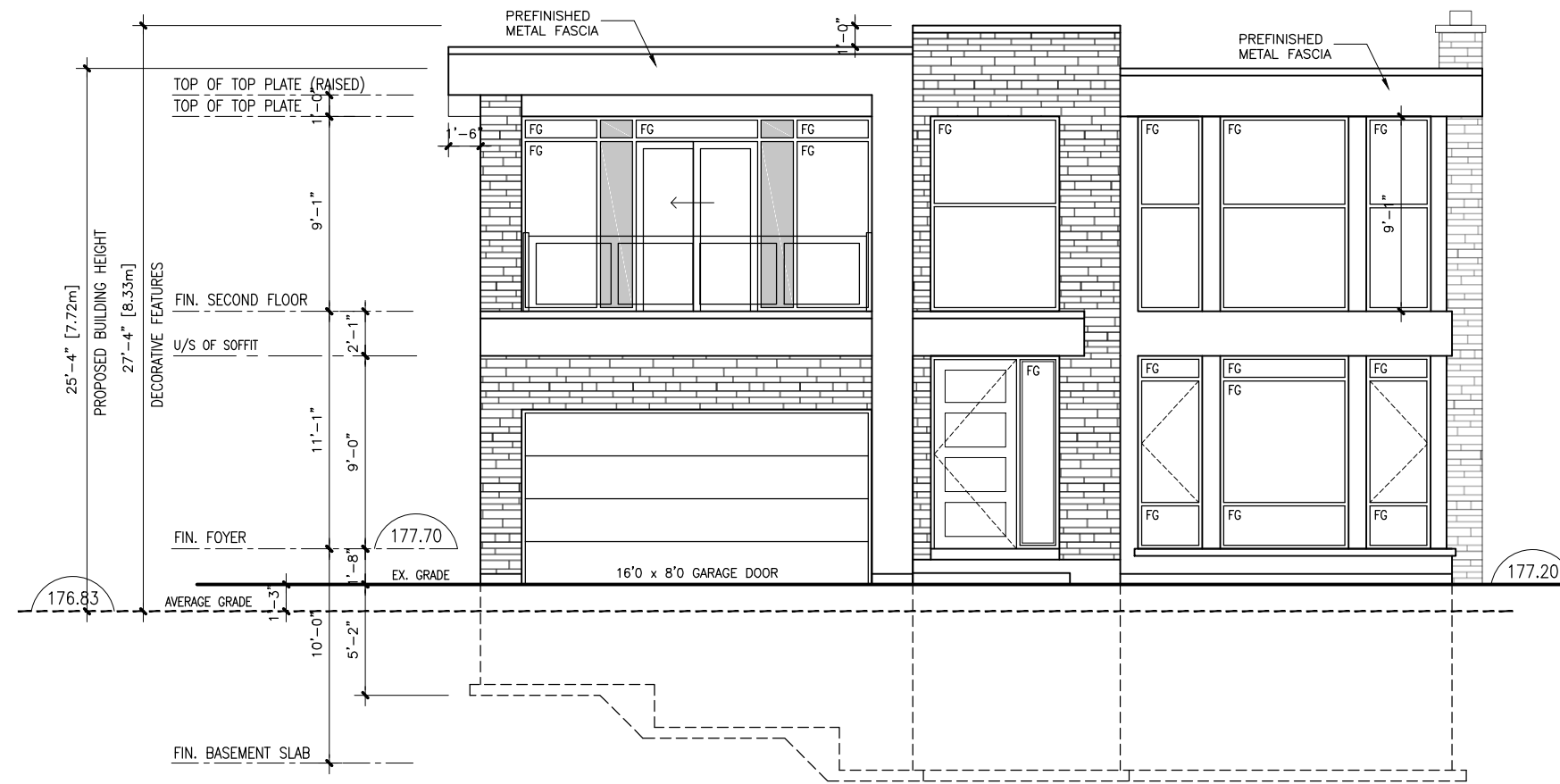
Project:
**PROPOSED
 2 STOREY DWELLING**
16 FERRAH STREET
 UNIONVILLE, ON.

Drawing Title	
ROOF PLAN	
Scale	AS SHOWN
Date	
Project Number	FRA23-16
A.5	

Appendix B

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MM/DD/YY



FRONT ELEVATION (SOUTH)

SCALE: 1/8" = 1'-0"



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Richmond Hill, ON. L4E 3T6

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1	ISSUED FOR C OF A	JAN 03/24

Drawing North

Project:
**PROPOSED
2 STOREY DWELLING**
16 FERRAH STREET
UNIONVILLE, ON.

Drawing Title
**FRONT ELEVATION
(SOUTH ELEVATION)**

Scale AS SHOWN

Date

Project Number
FRA23-16

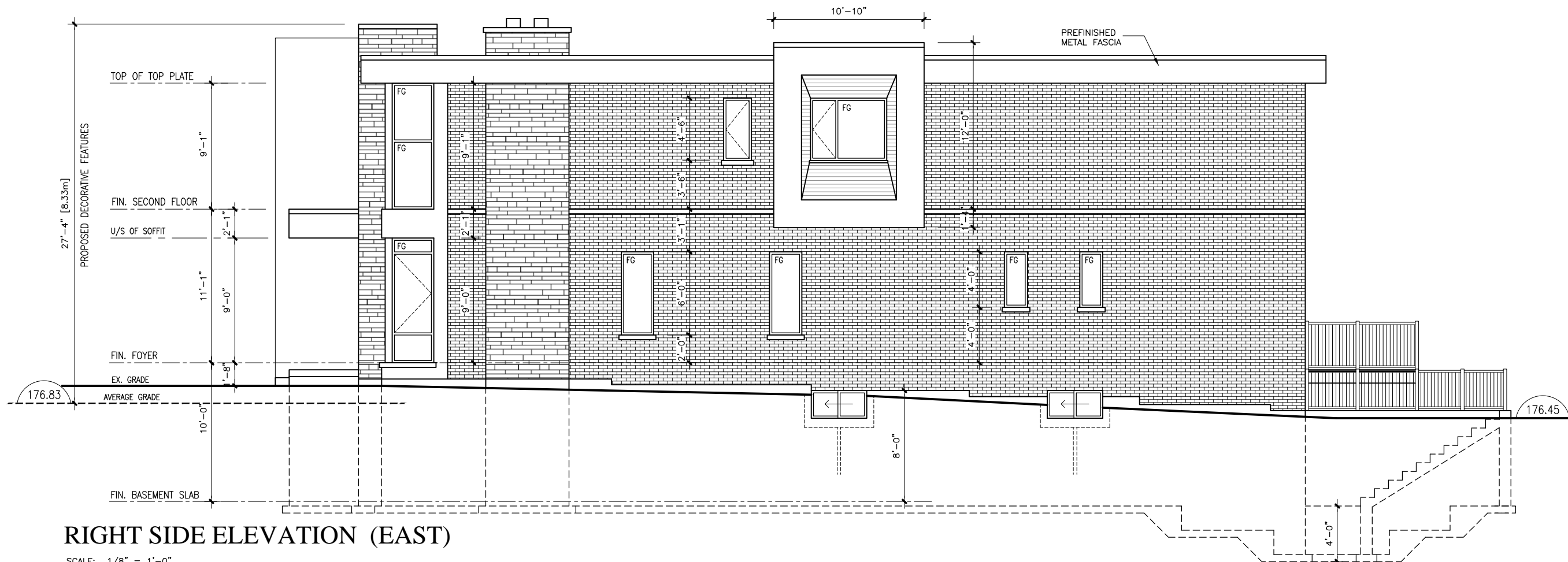
Drawing Number

A.6

Appendix B

File: 24.159388.000.00.MNV

Date: 8/8/2024
MM/DD/YY



RIGHT SIDE ELEVATION (EAST)

SCALE: 1/8" = 1'-0"

UNPROTECTED OPENINGS

Exposed Building Face 1,513.14 Sq.Ft.
Limiting Distance 6'0" (1.83m)
As Per Table 9.10.15.4. O.B.C.
Unprotected Openings Permitted - 7.60% (115.00 Sq.Ft.)
Unprotected Opening Proposed - 7.44% (112.53 Sq.Ft.)



Project Architect:

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66 Raintree Cres., (416) 358-1103
Richmond Hill, ON. L4E 3T6

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2	REVISED & RE-ISSUED FOR C OF A	MAY 27/24
1	ISSUED FOR C OF A	JAN 03/24

Drawing North

Project:

**PROPOSED
2 STOREY DWELLING**

**16 FERRAH STREET
UNIONVILLE, ON.**

Drawing Title

**RIGHT SIDE ELEVATION
(EAST ELEVATION)**

Scale AS SHOWN

Date

Project Number
FRA23-16

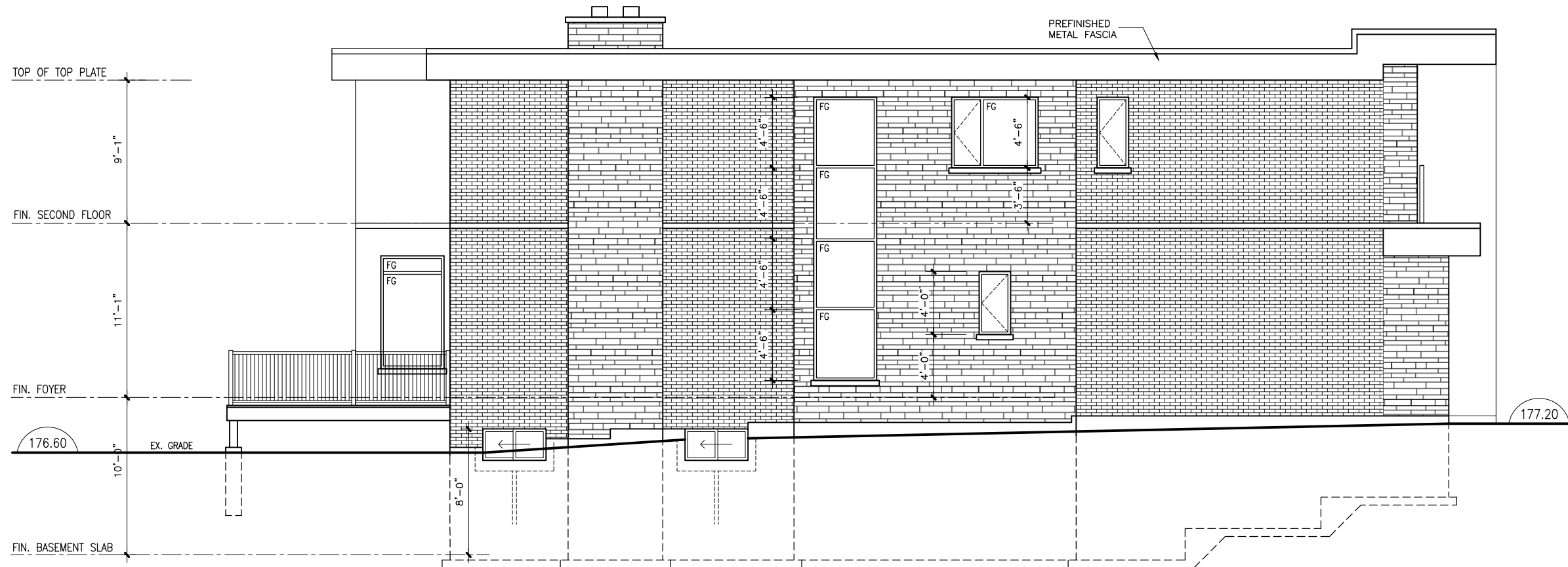
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Appendix B

File: 24.159388.000.00.MNV

Date: 8/8/2024
MM/DD/YY



LEFT SIDE ELEVATION (WEST)

SCALE: 1/8" = 1'-0"

UNPROTECTED OPENINGS
 Exposed Building Face 1,414.39 Sq.Ft.
 Limiting Distance 6'0" (1.83m)
 As Per Table 9.10.15.4. O.B.C.
 Unprotected Openings Permitted - 7.60% (107.49 Sq.Ft.)
 Unprotected Opening Proposed - 7.33% (103.80 Sq.Ft.)



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 Richmond Hill, ON. L4E 3T6

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1	ISSUED FOR C OF A	JAN 03/24

Drawing North

Project:
**PROPOSED
 2 STOREY DWELLING**
16 FERRAH STREET
 UNIONVILLE, ON.

Drawing Title
**LEFT SIDE ELEVATION
 (WEST ELEVATION)**

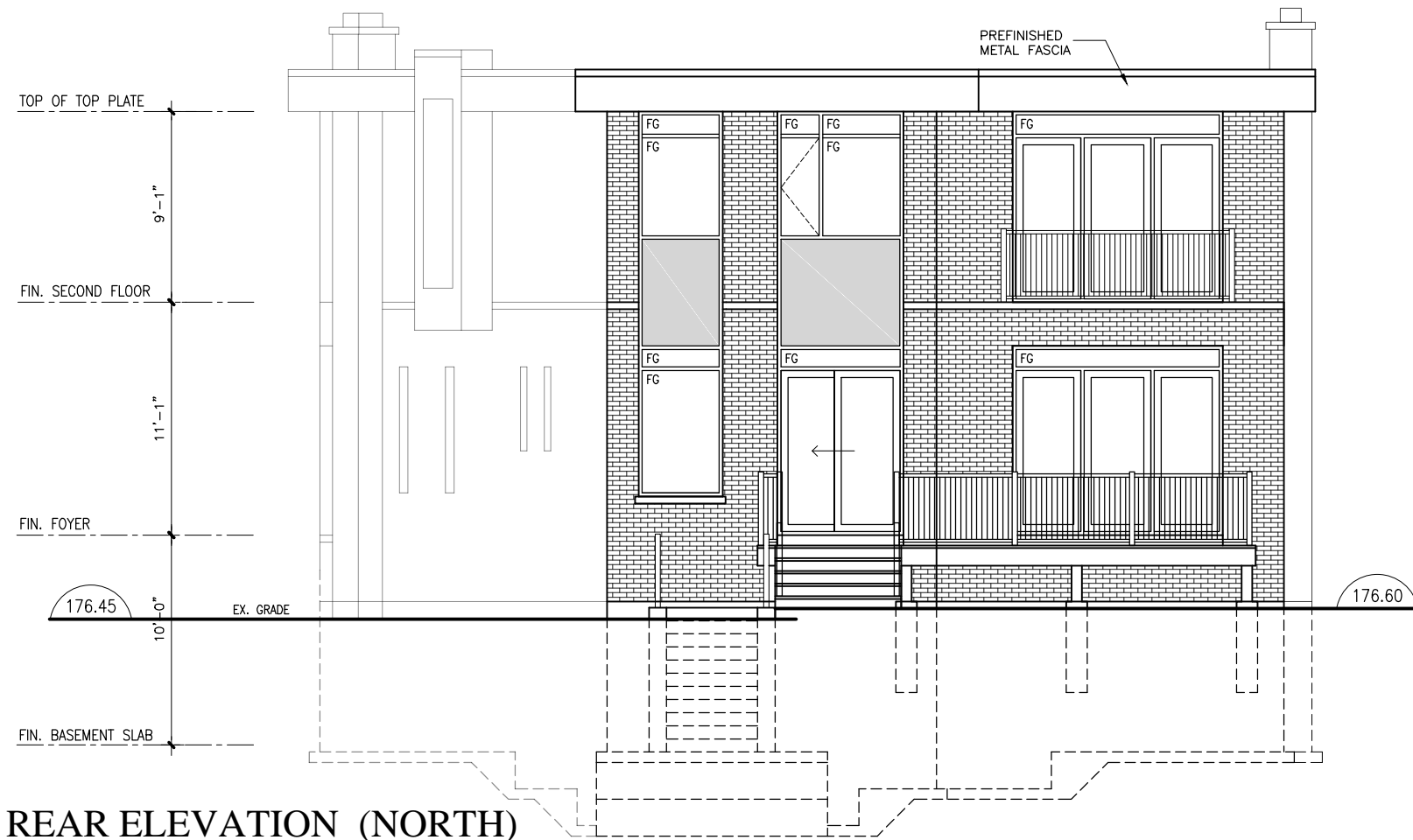
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 Project Number FRA23-16

Drawing Number
A.8

Appendix B

File: 24.159388.000.00.MNV

Date: 8/8/2024
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REAR ELEVATION (NORTH)

SCALE: 1/8" = 1'-0"



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Richmond Hill, ON. L4E 3T6

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Drawing North

Project:

**PROPOSED
2 STOREY DWELLING**
16 FERRAH STREET
UNIONVILLE, ON.

Drawing Title

**REAR ELEVATION
(NORTH ELEVATION)**

Scale AS SHOWN

Date

Project Number FRA23-16

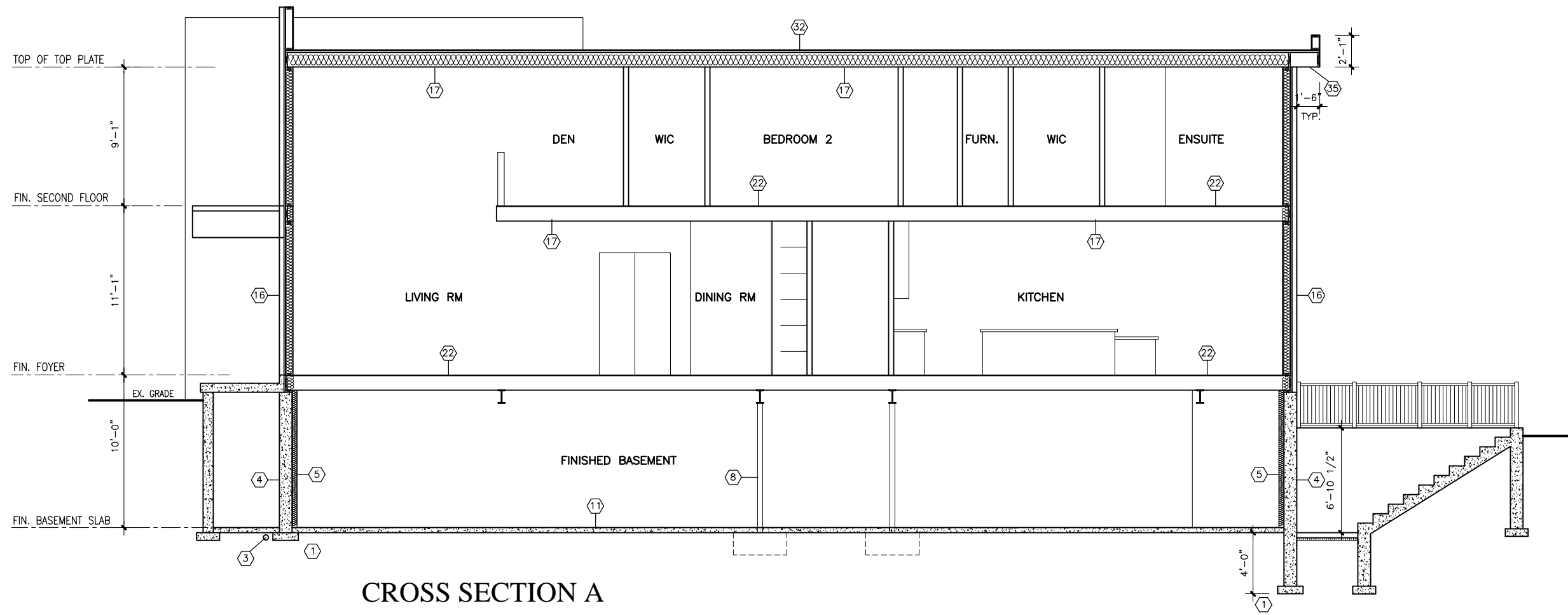
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A.9

Appendix B

File: 24.159388.000.00.MNV

Date: 8/8/2024
MM/DD/YY



CROSS SECTION A

SCALE: 1/8" = 1'-0"



Project Architect:

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Richmond Hill, ON. L4E 3T6

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1	ISSUED FOR C OF A	JAN 03/24

Drawing North

Project:

**PROPOSED
2 STOREY DWELLING**

**16 FERRAH STREET
UNIONVILLE, ON.**

Drawing Title

CROSS SECTION

Scale AS SHOWN

Date

Project Number
FRA23-16

Drawing Number

A.10

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/006/24

1. The variances apply only to the proposed development 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 from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a Qualified Tree Expert in accordance with the City’s Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator 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, neighbouring properties, and 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 By-law Administrator.
5. If required as per Tree Preservation review, tree securities and/or tree fees be paid to the City and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation By-law Administrator.

CONDITIONS PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office