

Memorandum to the City of Markham Committee of Adjustment

November 1, 2024

File: A/084/24
Address: 48 Snider Drive, Markham
Agent: Arani Architecture
Hearing Date: Wednesday, September 11, 2024

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

The applicant is requesting relief from the following Residential - Established Neighbourhood Low Rise (RES-ENLR) requirements of By-law 2024-19, as amended, and the requirements of Parking Standards By-law 28-97, as they relate to a proposed detached dwelling, to permit:

- a) **By-law 2024-19, Section 6.3.2.2(b):** a minimum lot depth of 37.36 metres, whereas the by-law requires a minimum lot depth to be 38.23 metres;
- b) **By-law 2024-19, Section 6.3.2.2(c):** a maximum main building coverage of the first storey of 31.97 percent and 26.95 percent for the second storey, whereas the by-law permits a maximum of 30 percent for the first storey and 20 percent for the second storey of the lot area;
- c) **By-law 2024-19, Section 6.3.2.2(e):** a maximum distance of the main building from the established building line of 20.27 metres for the first storey and 17.98 metres for the second storey, whereas the by-law permits a maximum of 19.5 metres for the first storey and 14.5 metres for any storey above the first; and
- d) **By-law 2024-19, Section 6.3.2.2(i):** a minimum combined interior side yard of 3.6 metres, whereas the by-law requires a minimum of 4 metres.

BACKGROUND

In a memorandum dated August 23, 2024 (refer to Appendix 'C'), Staff provided fulsome comments describing the description of the 'Subject Lands', surrounding context, 'Proposed Development' and applicable Official Plan and Zoning By-law framework. Staff had no objection to approval of the minimum lot depth, combined side yard setback and reduced parking variances. These remain unchanged and staff still have no objection.

Staff commented that requested variances to the maximum building coverage and established building line distance did not satisfy the intent of the Zoning By-law, particularly for the second storey of the proposed dwelling. To address this comment, the Owner revised the proposal by reducing the overall coverage and building length of both storeys, with emphasis on reducing the size of the second storey. The revisions are summarized in Table 1.

Table 1:

By-law Provision (max)	By-law Requirement (Max)		Original Submission		Revised Submission	
	1 st Storey	2 nd Storey	1 st Storey	2 nd Storey	1 st Storey	2 nd Storey
Building Coverage	30%	20%	33.2%	33.2%	31.97%	26.95%
Distance from Established Building Line	19.5 m	14.5 m	21.56 m	21.56 m	20.27 m	17.98 m

The revisions will result in a 244 m² (2633 ft²) dwelling, compared to the 279.24 m² (3,006 ft²) initially proposed. Staff are satisfied with the revisions and opine that the requested variances now satisfy the intent of the Zoning By-law by having reduced building mass and scale on the second storey compared to the first storey, and therefore is appropriate development for the Subject Lands.

Staff also note that the request for relief to the minimum parking space requirements under Parking By-law 28-97 is no longer required because of By-law 2024-19 coming into full force and effect on September 19th, 2024.

ADVISORY BODIES

Heritage Markham Committee (HMC)

The Subject Property is considered adjacent (within 60m) to the Markham Village Heritage Conservation District (the "MVCHD"), which is a cultural heritage resource defined in the 2014 Official Plan. Consequently, the initial proposal considered by the HMC on September 11, 2024, to assess if the Proposed Development has adverse visual or physical impacts on the MVCHD. The HMC recommended "to not support nor object" to the application from a heritage perspective. It was however requested that the second storey depth be reduced, which has been addressed. The HMC recommendation is attached as Appendix 'D'.

CONCLUSION

Planning Staff have reviewed the application and are of the opinion that the variances satisfy Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended. 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 Planning Act criteria required for the granting of minor variances.

Please refer to Appendix "A" for conditions to be attached to any approval of this application, which includes conditions of external agencies discussed in the previous August 23, 2024, staff memorandum.

PREPARED BY:



Stephen Corr, Senior Planner II, Planning and Urban Design Department

REVIEWED BY:



Stacia Muradali, Development Manager, East District

Attachments:

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Revised Plans

Appendix 'C' – August 23, 2024, Staff Memorandum

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/084/24

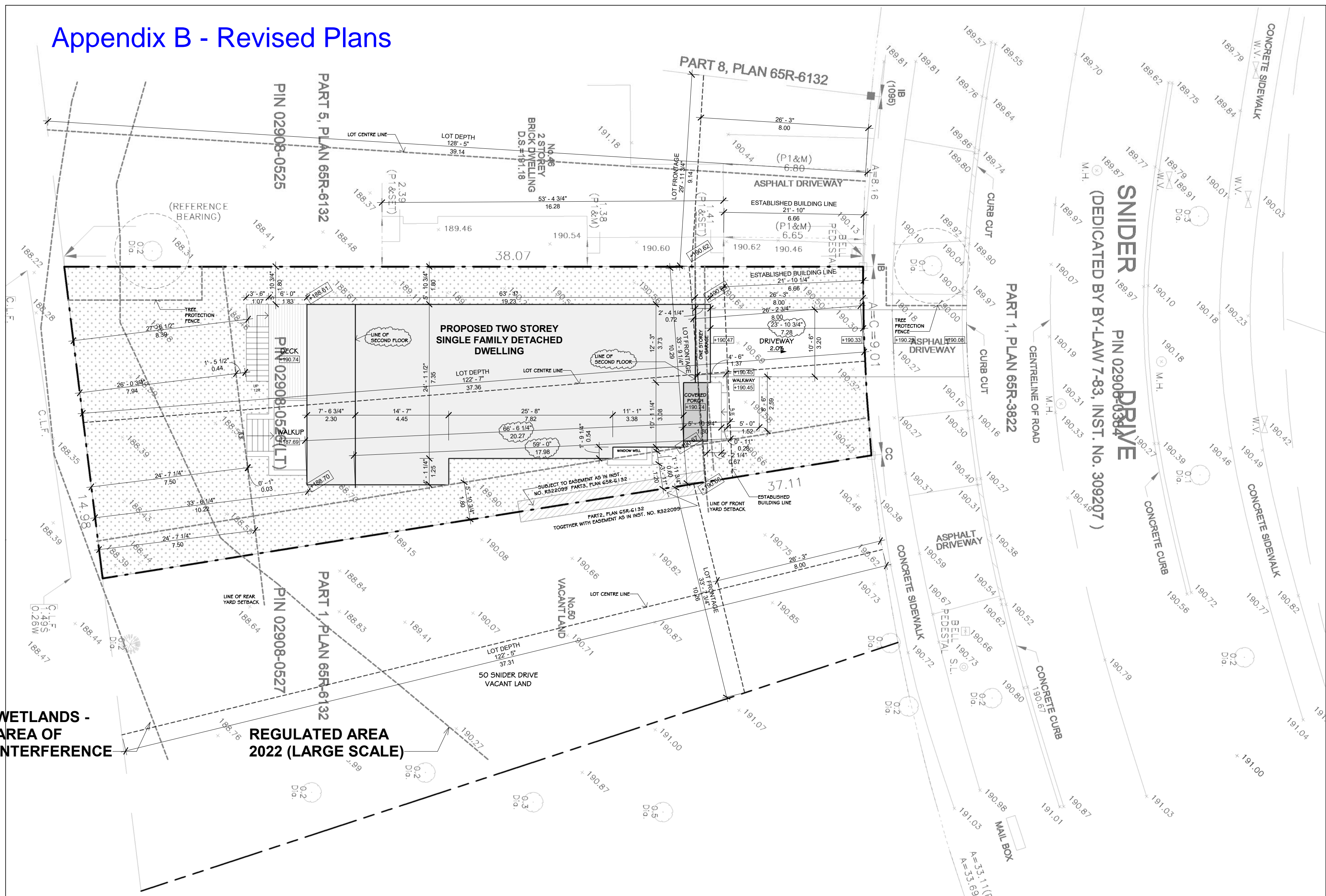
- a) The variances apply only to the proposed development as long as it remains;
- b) That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;
- c) 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.
- d) 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.
- e) 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.
- f) That the applicant satisfies the requirements of the Toronto Region Conservation Authority (TRCA), financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix 'D' to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA.
- g) That the applicant satisfies the requirements of Metrolinx, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix 'E' to this Staff Report, to the satisfaction of Metrolinx, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Metrolinx.

CONDITIONS PREPARED BY:



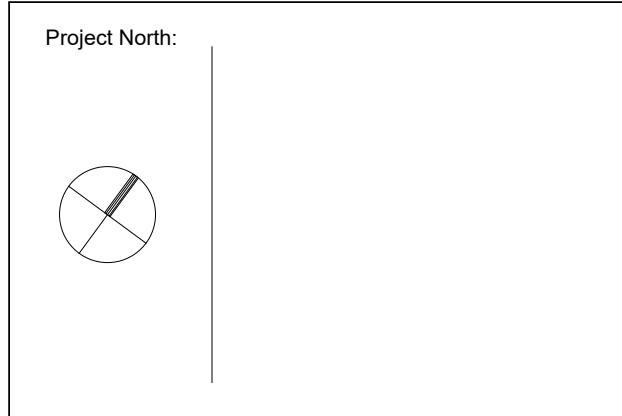
Stephen Corr, Senior Planner, Planning and Urban Design Department

Appendix B - Revised Plans



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1	ISSUED TO TRCA	MAR 08, 2024



Architect of Record:

ARANI ARCHITECTURE

685 SHEPPARD AVE E, SUITE 511
 TORONTO, ON. M2K 1B6
 TEL: 416.223.3333

Project Title:

Snider Residence

Address:

48 Snider Drive,
 Markham, ON. L3P 6L6

Drawing:

SITE PLAN

Date: JAN 10, 2024
 Scale: 3/32" = 1' - 0"
 Project: 2402
 Drawn by: SA

Sheet No:

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AREA CALCULATION

LOT AREA	448.45 m ²	4827 ft ²
GROUND FLOOR	123.78 m ²	1332 ft ²
SECOND FLOOR	120.86 m ²	1301 ft ²
GROSS FLOOR AREA	244.64 m ²	2633 ft ²
BASEMENT (SECONDARY SUITE)	122.04 m ²	1314 ft ²
PARKING	19.58 m ²	211 ft ²

ZONING BY-LAW 153-80
 ZONING LABEL:
 RSD3 - THIRD DENSITY - SINGLE FAMILY RESIDENTIAL

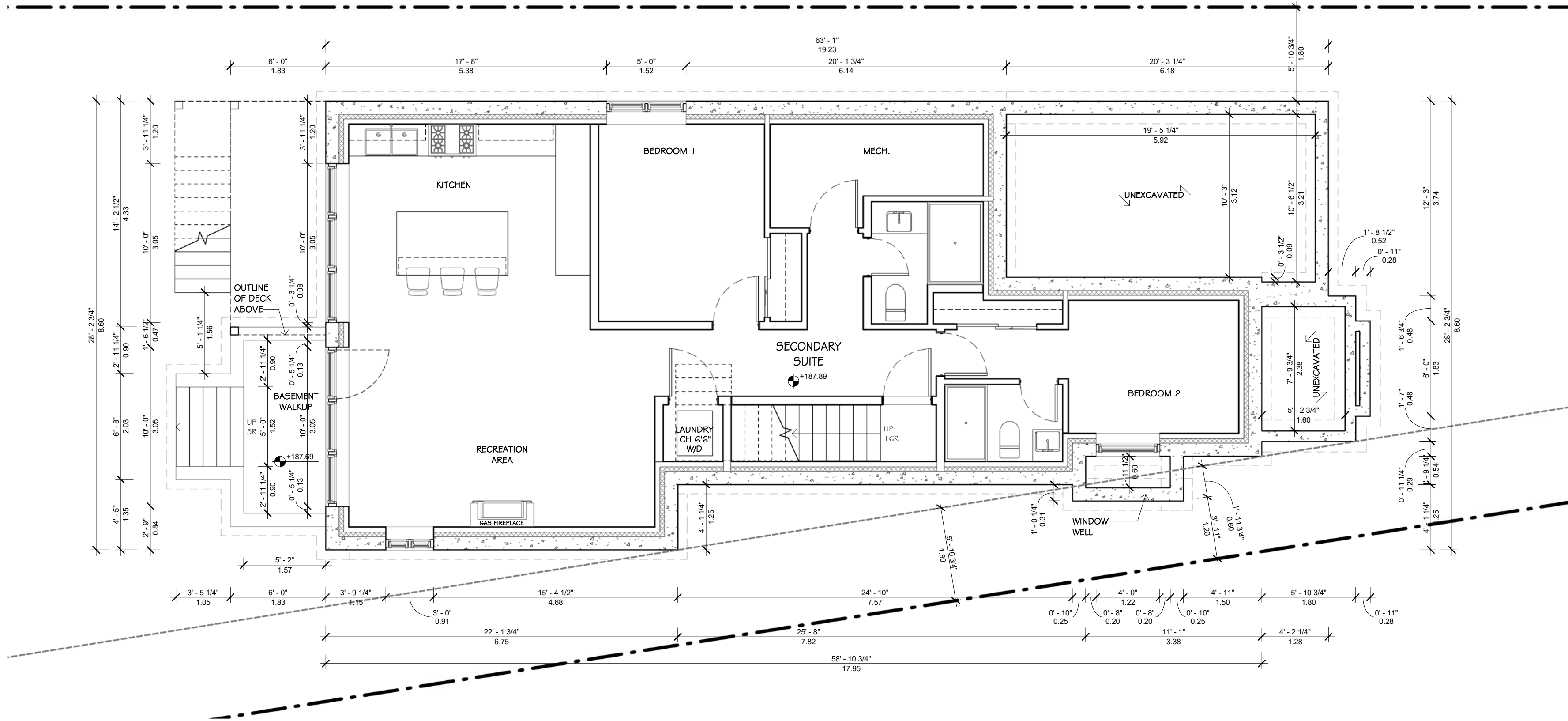
	BY-LAW	PROPOSED
FRONT YARD SETBACK	8.00 m	8.00 m
GARAGE SETBACK	6.00 m	7.28 m
SIDE YARD (NORTH) SETBACK	1.80 m	1.80 m
SIDE YARD (SOUTH) SETBACK	1.80 m	1.80 m
LOT COVERAGE (146.52 SQ.M.)	33.33 %	32.67 %
ESTABLISHED GRADE	+189.64	-
BUILDING HEIGHT	10.70 m	9.00 m

ZONING BY-LAW 2024-19
 ZONING LABEL:
 RES-ENLR - RESIDENTIAL ESTABLISHED NEIGHBOURHOOD LOW RISE

	BY-LAW	PROPOSED
FRONT YARD SETBACK	6.66 m	7.28 m
SIDE YARD (NORTH) SETBACK	1.80 m	1.80 m
SIDE YARD (SOUTH) SETBACK	1.80 m	1.80 m
COMBINED SIDE YARD SETBACKS	4.00 m	3.60 m*
REAR YARD SETBACK	7.50 m	10.22 m
GROUND FLOOR COVERAGE (143.36 SQ.M.)	30 %	31.97 %*
SECOND FLOOR COVERAGE (120.86 SQ.M.)	20 %	26.95 %*
LOT COVERAGE (146.52 SQ.M.)	35 %	32.67 %
ESTABLISHED GRADE	+190.64	-
AVERAGE GRADE LEVEL	+189.64	-
OUTSIDE WALL HEIGHT	7.00 m	6.75 m
LOT DEPTH	38.23 m	37.36 m*
LOT FRONTAGE	9.70 m	10.29 m

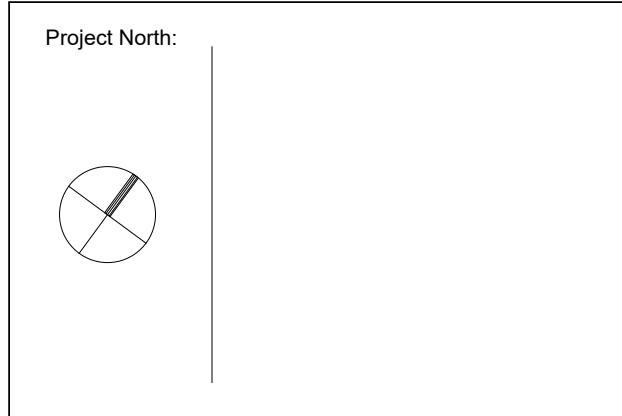
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Appendix B - Revised Plans



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1	ISSUED TO TRCA	MAR 08, 2024



Architect of Record:

ARANI ARCHITECTURE

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Project Title:

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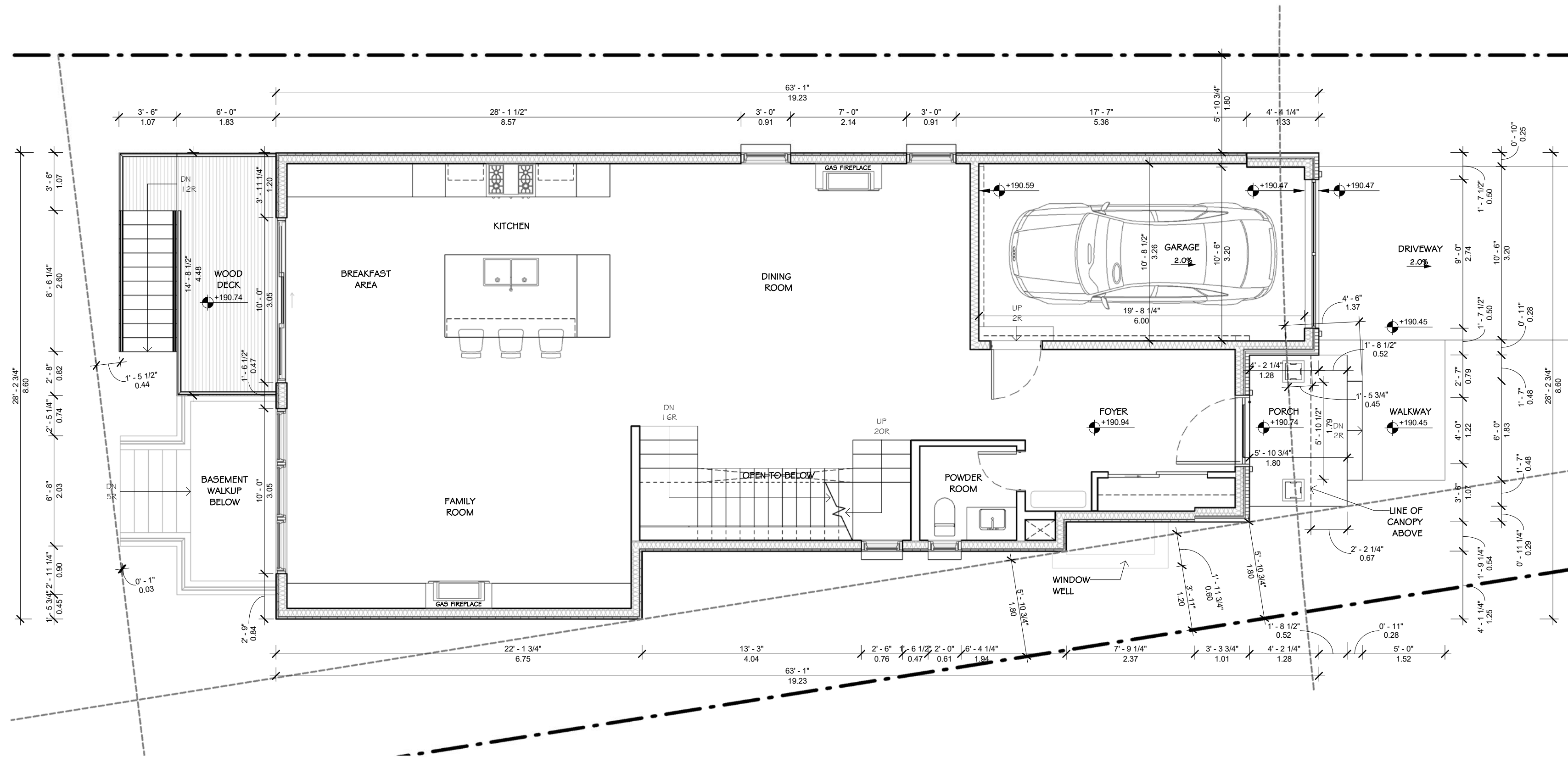
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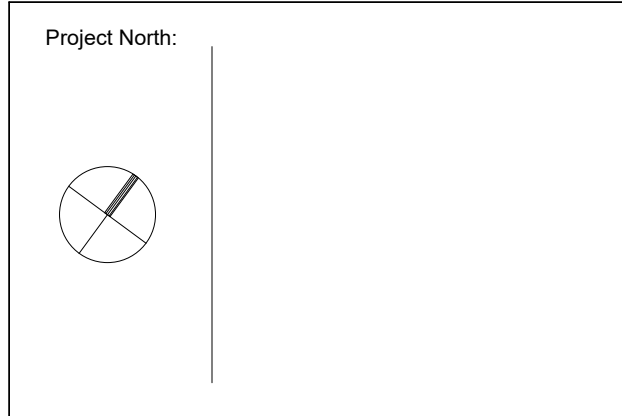
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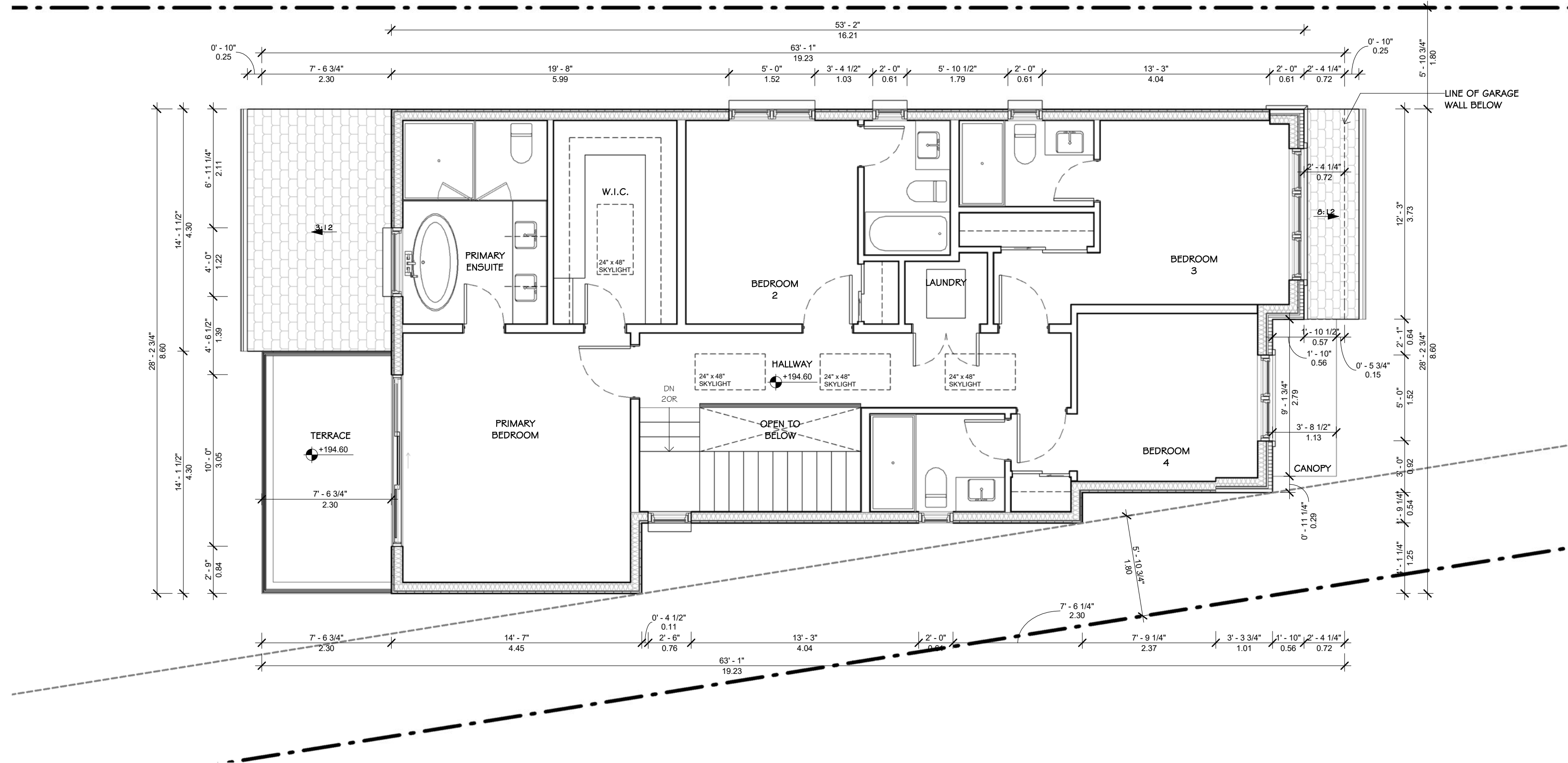
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GROUND FLOOR PLAN

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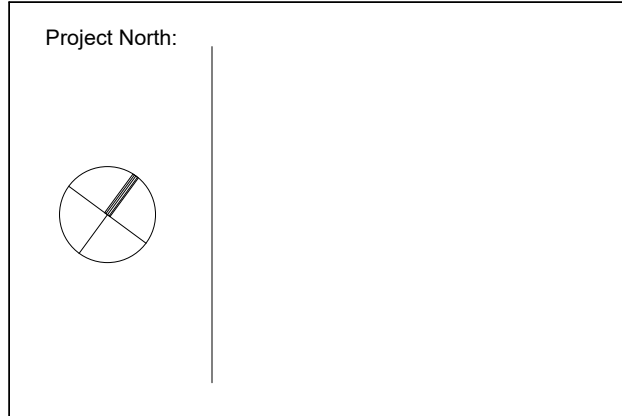
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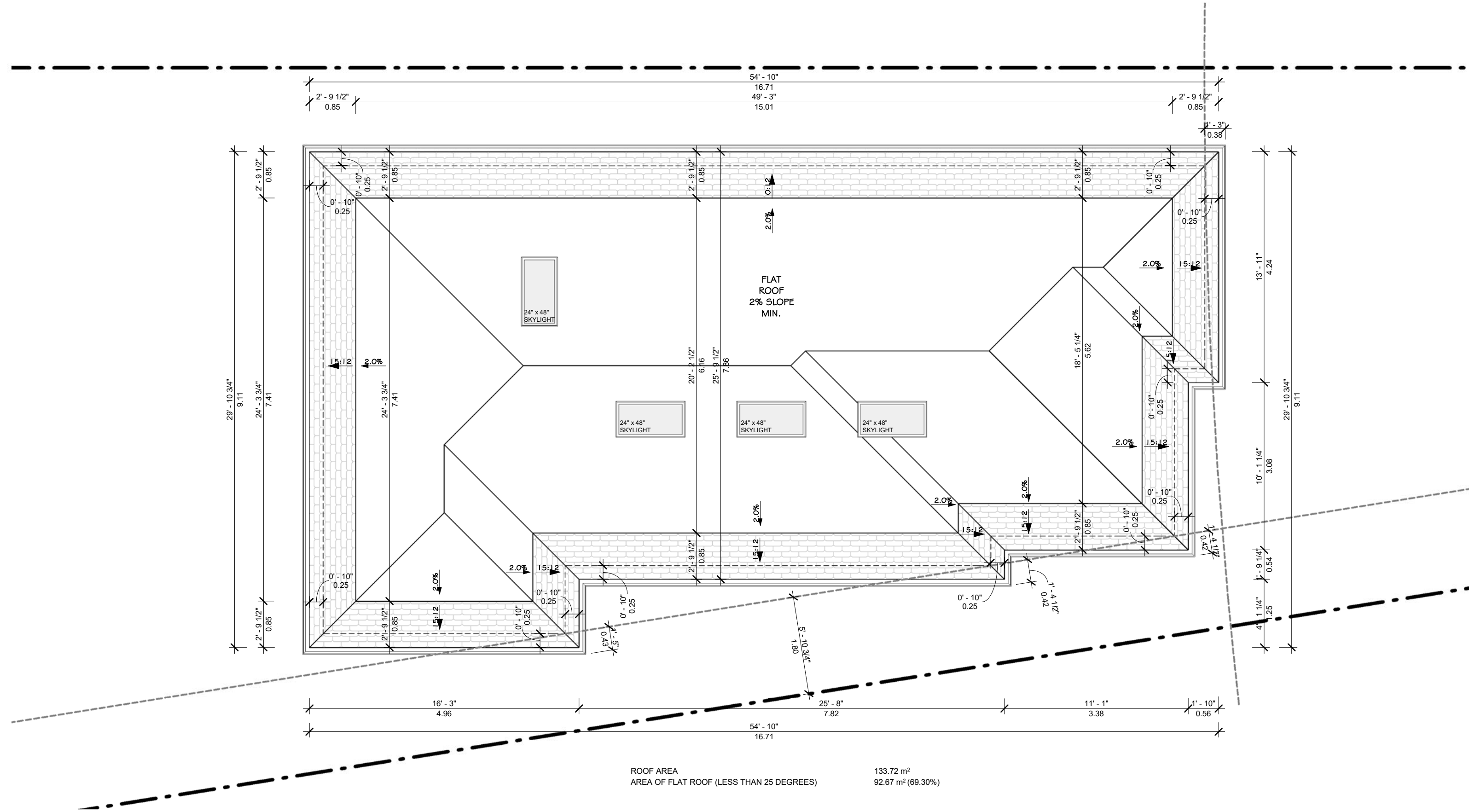
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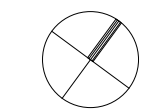
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Project North:



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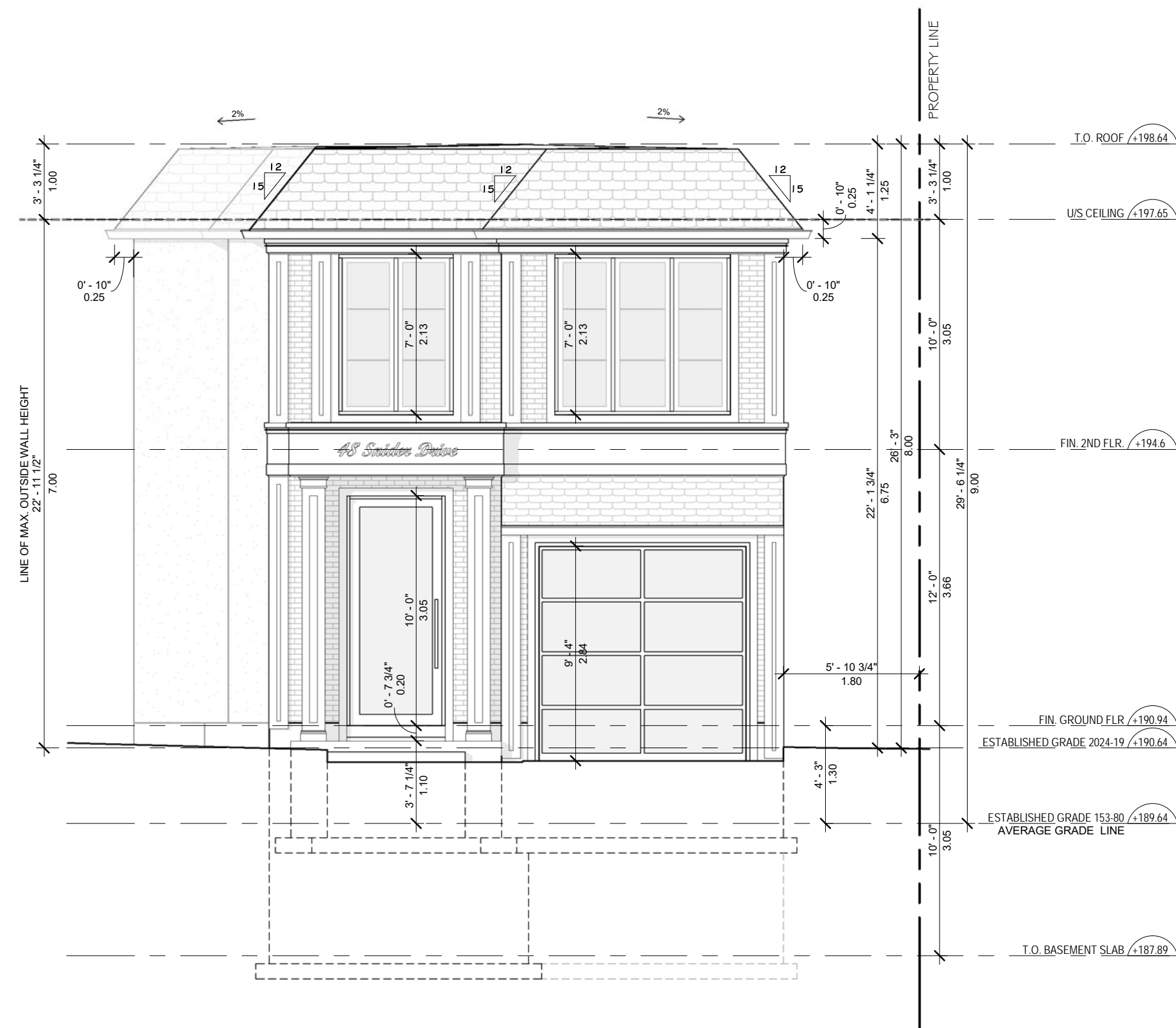
ROOF PLAN

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Sheet No:

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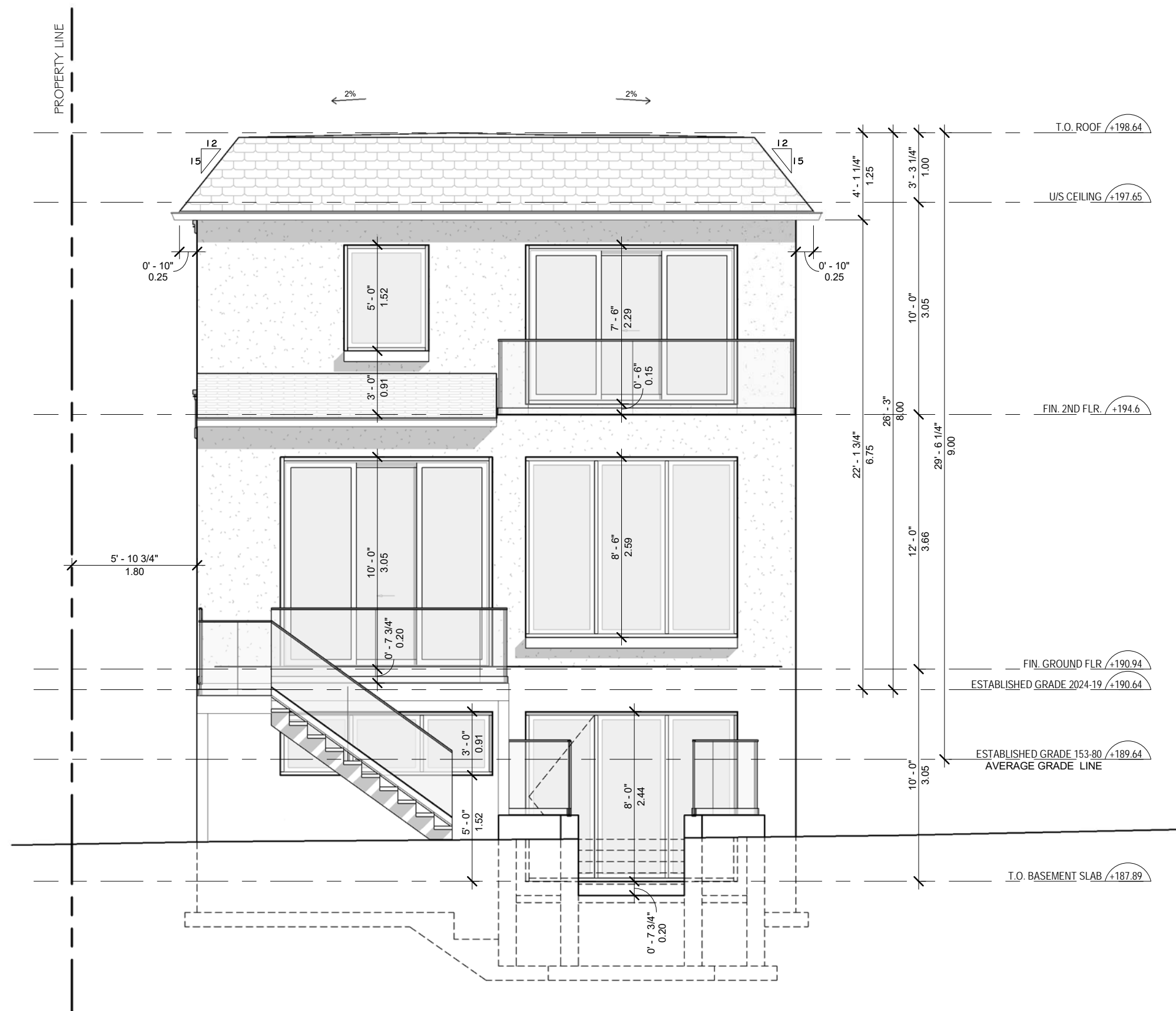
EAST ELEVATION

Date: JAN 10, 2024
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Drawing:

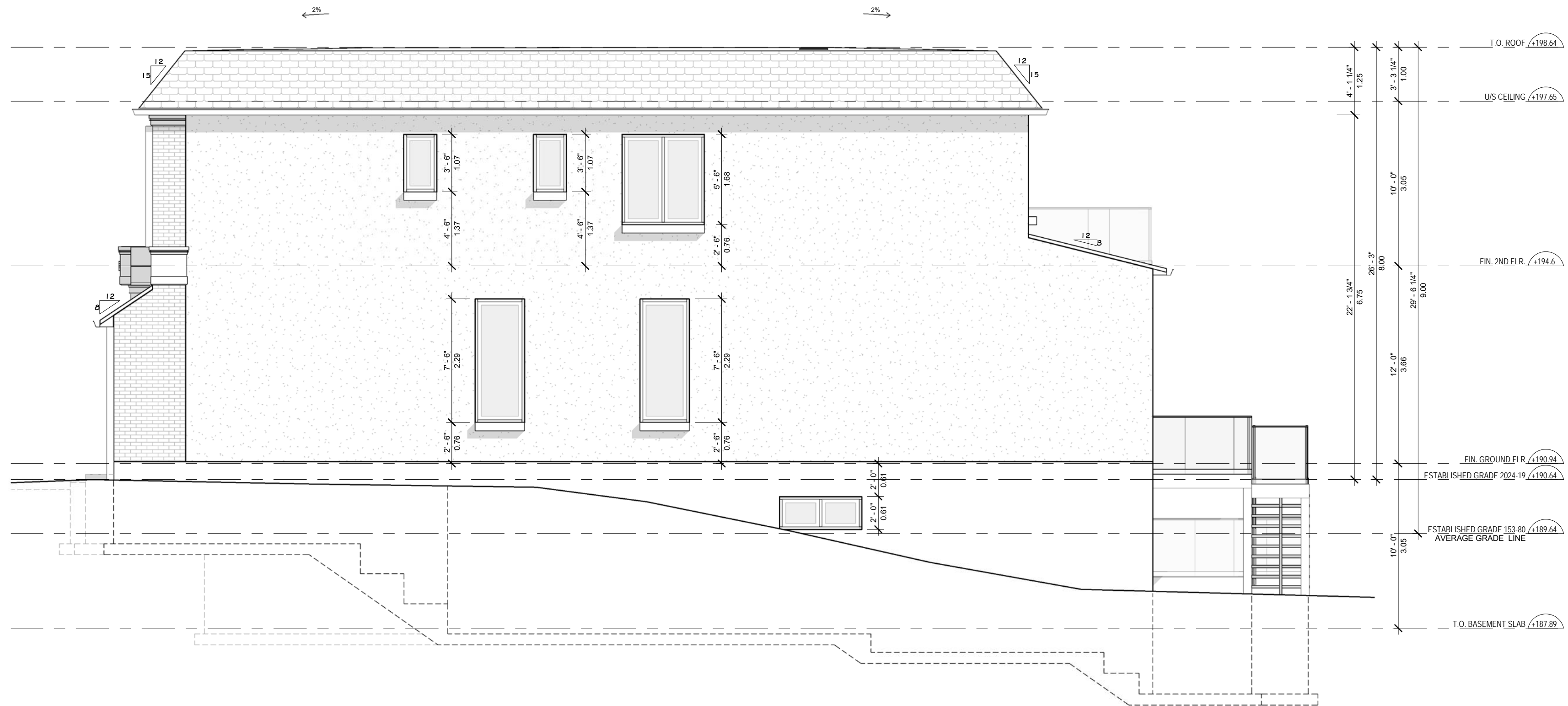
WEST ELEVATION

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Sheet No:

A3.02

Appendix B - Revised Plans



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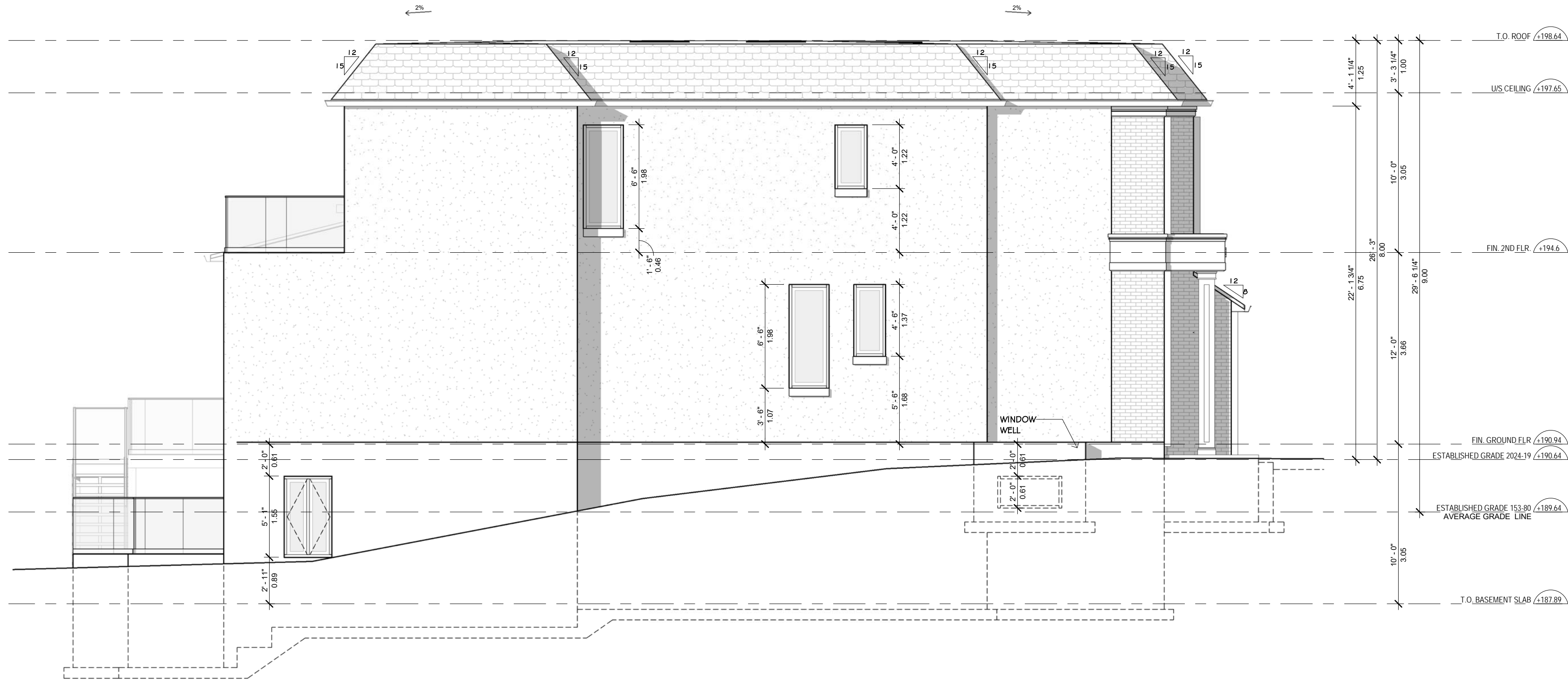
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NORTH ELEVATION

Date: JAN 10, 2024
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A3.03

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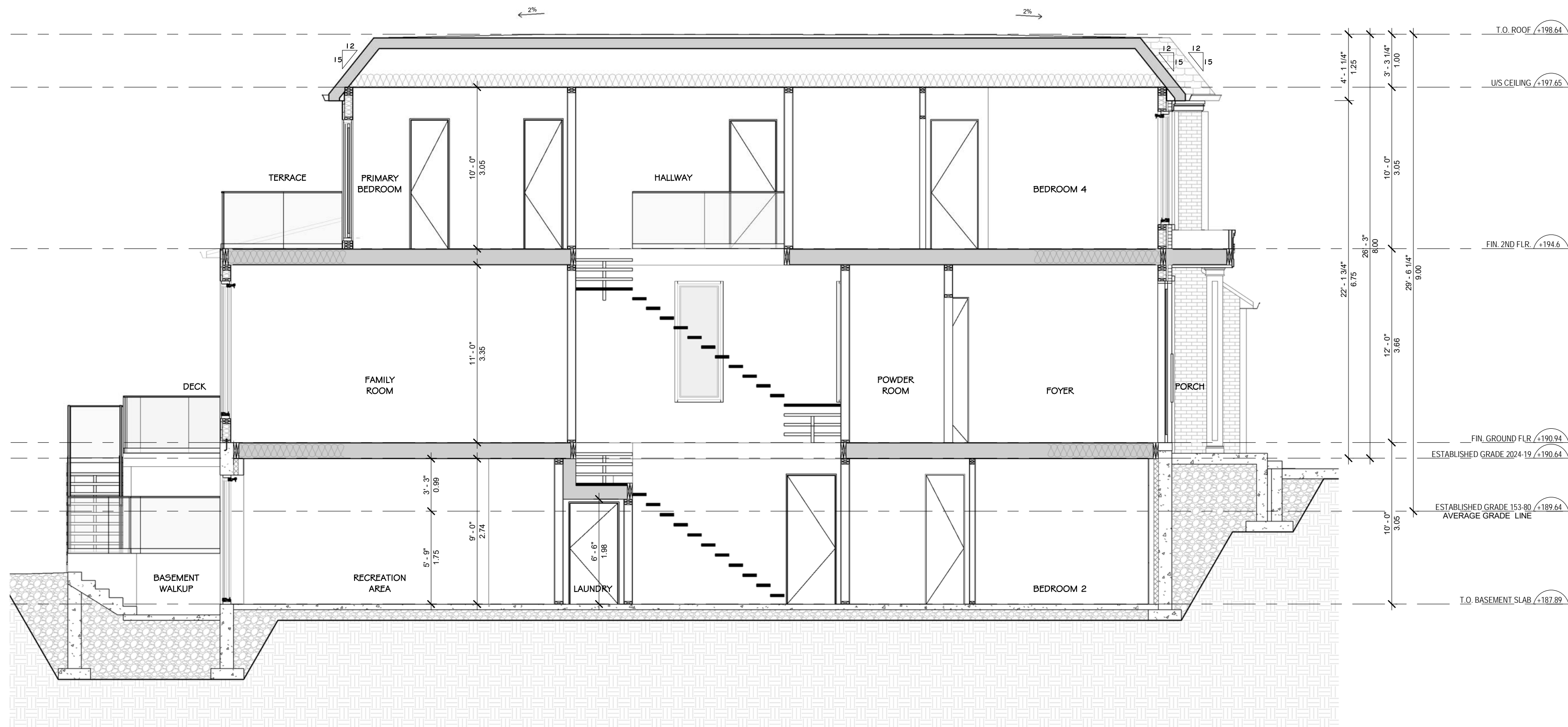
SOUTH ELEVATION

Date: JAN 10, 2024
 Scale: 3/16" = 1' - 0"
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 Drawn by: SA

Sheet No:

A3.04

Appendix B - Revised Plans



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NO.	DESCRIPTION	DATE
6	ISSUED FOR COA	SEP 25, 2024
5	ISSUED FOR COA	JUL 22, 2024
4	ISSUED FOR ZONING REVIEW	JUN 17, 2024
3	ISSUED FOR ZONING REVIEW	MAY 24, 2024
2	ISSUED FOR ZONING REVIEW	APR 01, 2024
1	ISSUED TO TRCA	MAR 08, 2024

Architect of Record:

ARANI ARCHITECTURE

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Project Title:

Snider Residence

Address:
 48 Snider Drive,
 Markham, ON. L3P 6L6

Drawing:
SECTION

Date: JAN 10, 2024
 Scale: 3/16" = 1' - 0"
 Project: 2402
 Drawn by: SA

Sheet No:

A4.01

Appendix C - August 23 Memorandum

Memorandum to the City of Markham Committee of Adjustment

August 23, 2024

File: A/084/24
Address: 48 Snider Drive, Markham
Agent: Arani Architecture
Hearing Date: Wednesday, September 11, 2024

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

On January 31, 2024, City of Markham Council enacted Comprehensive Zoning By-law 2024-19. As By-law 2024-19 is currently under appeal with the Ontario Land Tribunal (OLT), any Applications under Section 45 of the *Planning Act* that do not benefit from the transition clauses under Section 1.7 of By-law 2024-19 must comply with By-law 2024-19 and any previous By-laws in effect. As such, the applicant is requesting relief from the following Residential - Established Neighbourhood Low Rise (RES-ENLR) requirements of By-law 2024-19, as amended, as well as the requirements of Parking Standards By-law 28-97, to permit:

By-law 2024-19

- a) **By-law 2024-19, Section 6.3.2.2(b):** a minimum lot depth of 37.36 metres, whereas the by-law requires a minimum lot depth to be 38.23 metres;
- b) **By-law 2024-19, Section 6.3.2.2(c):** a maximum main building coverage of both the first storey and any storey above the first of 33.2 percent for the second storey, whereas the by-law permits a maximum of 30 percent for the first storey and 20 percent for the second storey of the lot area;
- c) **By-law 2024-19, Section 6.3.2.2(e):** a maximum distance of the main building from the established building line of 21.56 metres, whereas the by-law permits a maximum of 19.5 metres for the first storey and 14.5 metres for any storey above the first storey;
- d) **By-law 2024-19, Section 6.3.2.2(i):** a minimum combined interior side yard of 3.6 metres, whereas the by-law requires a minimum of 4 metres;

By-law 28-97

- a) **Parking By-law 28-97, Section 3, Table A:** a minimum of two parking spaces, whereas the by-law requires a minimum of three parking spaces.

BACKGROUND

Property Description

The 448.45 m² (4827 ft²) Subject Lands are located on the west side of Snider Road, which is north of Bullock Drive and west of Main Street Markham North. The Subject Lands are in an established neighbourhood containing detached dwellings to the east and north. Cedar Valley (City trail and parkland) abuts the rear of the Subject Lands to the west, and surrounding land uses also include a multi-storey retirement home to the south (across Bullock Drive), the Markham GO station to the northeast, and residential and commercial uses further east along Main Street Markham North. The Subject Lands are currently vacant but previously developed with a detached dwelling. City records show a demolition permit was issued for the former dwelling in 2022. Appendix 'A' shows the Subject Lands and Surrounding Context.

Appendix C - August 23 Memorandum

Proposal

The applicant is proposing to construct a 279.24 m² (3,006 ft²) detached dwelling on the Subject Lands, including an attached one-car garage and secondary basement unit. Vehicle access and parking is provided on a one-car driveway to Snider Road, and access to the basement unit is at the rear of the dwelling, via walk-up stairs (the “Proposed Development”, and as shown in Appendix ‘B’).

Official Plan and Zoning

Official Plan 2014

The Official Plan designates the subject property “Residential Low Rise” which provides for low rise housing forms including single detached dwellings.

Zoning By-Law 153-80, as amended.

The subject property is zoned Semi-Detached Residential Three (RSD3) under By-law 153-80, as amended, which permits semi-detached dwellings and detached dwellings subject to the Residential (R9) provisions of the By-law. The Proposed Development complies with the requirements of By-law 153-80, as amended.

Parking Standards By-law 28-97, as amended.

The proposed secondary suite is permitted but does not comply with Parking By-law 28-97 with respect to a required third space for an accessory unit. Consequently, the Applicant is requesting a variance to permit two spaces for the Proposed Development containing two units.

Zoning By-Law 2024-19, as amended.

By-law 2024-19, as amended, is the Markham Comprehensive Zoning By-law (CZBL) approved by City Council on January 31, 2024. The CZBL is appealed and requires approval by the Ontario Land Tribunal (OLT), before it is in full force and effect. Notwithstanding, submitted development proposals are being reviewed in the context the new CZBL and the still applicable Zoning By-law (in this instance By-law 153-80) until the OLT appeal is resolved. This ensures that Proposed Development will conform to either By-law depending on the outcome. To permit the Proposed Development the Applicant is requesting variances to By-law 2024-19, as described in the Requested Variances section above and discussed in the Comments section below.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on July 29, 2024, confirming the variances required for the proposed development.

COMMENTS

Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended provides criteria for the Committee of Adjustment to “authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the Committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.”

Reduced Parking Spaces

Parking Standards By-law 28-97, as amended, requires two parking spaces for the principal dwelling unit and an additional space for an accessory unit or secondary suite. Two spaces are proposed with one in the garage and the other on the driveway.

Appendix C - August 23 Memorandum

Requiring an additional driveway parking reduces soft landscaping and increases hard surface area in the front yard, which detracts from the visual appearance of the property and has a negative impact on the streetscape. It also reduces the amount of soft surface area for the infiltration of rainwater, which is an important part of good stormwater management practices. Staff are of the opinion that to ensure the second suite remains inconspicuous from the street, no additional parking should be required and have no objection to the requested variance. Staff also note the proximity of the site to transit services along Bullock Drive and Main Street Markham North, including the Markham GO station.

Minimum Lot Depth

The Applicant is requesting a minimum lot depth of 37.36 m, whereas the By-law requires a minimum lot depth of 38.23 m, a reduction of 0.87 m. The minimum lot depth requirement in this instance is derived as the average lot depth of the two neighbouring lots. Approval of the variance recognizes the existing lot configuration and Staff have no concern with this variance.

Maximum Building Coverage

The Owner is requesting a maximum main building coverage of both the first storey and any storey above the first of 33.2% for the second storey, whereas the by-law permits a maximum of 30% for the first storey and 20% for the second storey of the lot area. For the Subject Lands, the By-law permits a maximum coverage of 134.5 m² for the first storey and 89.7 m² for the second storey. Approval of the variance would permit a coverage of up to 148.9 m² for both storeys, an increase of 14.4 m² and 59.2 m² for the first and second storeys, respectively.

The intent of this by-law provision is to minimize the massing of a dwelling, particularly for the second storey. Staff opine that the proposed lot coverage increase for the first storey, satisfies the Planning Act criteria. The lot coverage for the second storey, does not maintain the intent of the Zoning By-law, as there is no reduction in coverage compared to the first storey. Staff do note that the impact of this requested variance is mitigated based on the surrounding context, including a vacant lot to the south and parkland to the west.

Maximum Distance of the Main Building from the Established Building Line

The Applicant is requesting a maximum distance of the main building from the established building line of 21.56 metres, whereas the by-law permits a maximum of 19.5 metres for the first storey and 14.5 metres for any storey above the first storey. This is an increase of 2.06 metres for the first storey and 7.06 metres for the second storey.

Similar to the Maximum Building Coverage, the intent of this By-law provision is to minimize the building distance (or depth), particularly on the second storey. Staff opine that the request is appropriate for the first-storey, but the request for the second storey does not satisfy the intent of the Zoning By-law. However, any impact is lessened due to the Subject Lands adjacency to a vacant lot and parkland.

Minimum Combined Side Yard Setback

The Applicant is requesting a minimum combined interior side yard of 3.6 metres, whereas the by-law requires a minimum of 4 metres. The CZBL requires minimum side yard setbacks of 1.8 metres, as well as a combined side yard setback of 4.0 m. The proposed

Appendix C - August 23 Memorandum

north and south side yard setbacks are 1.8 metres, and comply with the by-law individually. Staff opine that the proposed side yards will have no impact to abutting properties, and that there will be adequate spacing between the dwelling and those neighbouring lots. It also reflects the established built form pattern within the surrounding context, and the requested variance satisfies the Planning Act criteria.

ADVISORY BODIES

Heritage Markham Committee

The Subject Property is considered adjacent (within 60m) to the Markham Village Heritage Conservation District (the "MVCHD" or "District"), which is cultural heritage resource defined in the 2014 Official Plan. The MVHCD Plan does not contain policies or guidelines for new construction adjacent to the District, but the Official Plan directs Heritage Section staff to review development considered adjacent to cultural heritage resources to ensure there are no adverse impacts from a heritage perspective.

The Heritage Markham Committee (the "HMC") is reviewing the application concurrently with the Committee of Adjustment, both scheduled to meet on September 11, 2024. In the Heritage Section Staff report to the HMC, staff advise that the Proposed Development does not have an adverse visual or physical impact on the cultural heritage value of the MVHCD and are recommending that the HMC provide no comment on the application. Should the HMC oppose the application or recommend conditions from a heritage perspective, it is recommended that the applicant return to the Committee of Adjustment (the "COA") at a future date to allow the COA to consider this information before making its decision.

EXTERNAL AGENCIES

Region of York

The Region of York has reviewed the application and provided no comment.

TRCA Comments

A portion of the Subject Lands are within the Toronto Region and Conservation Authority (TRCA)'s Regulated Area associated with the tributary of the Rouge River watershed. In a letter dated August 20, 2024, the TRCA confirmed the Proposed Development is located outside the regulated portions of the property. The TRCA provided no additional comment, except that approval be conditional on the payment of the required variance review fee being paid to the TRCA, as recommended in Appendix 'C'.

Metrolinx Comment

The Subject Lands are within 300 m of the Metrolinx Uxbridge Subdivision which carries GO Train service between Stouffville and Toronto. Metrolinx provided comments on August 19, 2024 (Appendix – D) which did not identify any comments specific to the variance requests. Metrolinx however, has recommended conditions requiring the property to owner to enter into an environmental easement for operational emissions with Metrolinx, and include warning clauses into any development agreements, Purchase Offers, Sale or Lease agreements advising that the Subject Lands are within Metrolinx's rail corridor. This requested condition is recommended in Appendix 'C'

TREE PROTECTION

The City's Tree Preservation Technician confirmed no concerns with the minor variance requests. They advised that full tree preservation comments will be provided upon

Appendix C - August 23 Memorandum

submission for a Residential Grading and Servicing Application, including the required submission of a Tree Assessment and Preservation Plan, which is included in recommended conditions of approval in Appendix 'C'.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 23, 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 and are of the opinion that variances to permit reduced parking for an accessory unit, reduced lot depth for an existing lot, and a reduction to the combined interior side yard setback satisfy Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended. Staff opine that variances to permit increased building coverage and the distance (or depth) of the main building from the established building line do not meet the intent of the Zoning By-law, particularly requests for the second storey. Staff note the impact of these two variances is mitigated due to the adjacency of a vacant lot and parkland. Staff also note that the requested variances are to the Markham Council approved CBZL, which is currently under appeal and not fully in effect; and that the Proposed Development, aside from the parking variance, is fully compliant with the provisions of By-law 153-80, as amended which are still applicable.

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:



Stephen Corr, Senior Planner, Planning and Urban Design Department

REVIEWED BY:



Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 24 184773 \Documents\District Team Comments Memo

APPENDICIES

- Appendix 'A' – Aerial Photo
- Appendix 'B' – Site and Architectural Plans
- Appendix 'C' – Conditions of Approval
- Appendix 'D' – TRCA Comments
- Appendix 'E' – Metrolinx Comment

Appendix C - August 23 Memorandum

Appendix C - Aerial Photograph

