

# Memorandum to the City of Markham Committee of Adjustment

November 14, 2024

**File:** A/097/24  
**Address:** 89 Brookshire Circle, Thornhill  
**Agent:** RT Architects (Raffi Tashdjian)  
**Hearing Date:** Wednesday, November 20, 2024

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

The applicant is requesting relief from the following requirements of By-law 2024-19, Residential - Established Neighbourhood Low Rise (RES-ENLR), as amended, to permit:

**a) By-law 2024-19, Section 6.3.2.2 d):**

a maximum lot coverage of 38.3 percent (1,920 square feet), whereas the by-law permits a maximum lot coverage of 35 percent (1,754 square feet);

**b) By-law 2024-19, Section 4.8.9.1 b):**

hard landscaping to project 4.05 metres (54 percent) into the required rear yard, whereas the by-law permits hard landscaping to project a maximum of 3.75 metres (50 percent) into the minimum (7.5 metres) rear yard setback for the main building;

as it relates to a proposed canopy in the rear yard.

## **BACKGROUND**

### **Property Description**

The 464.88 m<sup>2</sup> (5003.93 ft<sup>2</sup>) subject property is located on the south side of Brookshire Circle, north of Green Lane and west of Leslie Street. The subject property contains an existing two-storey detached dwelling. The property is located within an established residential neighbourhood primarily comprised of two-storey detached dwellings. Surrounding uses include detached dwellings, parks, and a Catholic secondary school. Mature vegetation exists across the property.

### **Proposal**

The applicant is proposing to construct a 24.9m<sup>2</sup> canopy in the rear yard. It is expected to cover a portion of the existing deck.

### **Official Plan and Zoning**

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

The Official Plan designates the subject property "Residential Low Rise", which provides a range of lower-scale residential buildings in established neighbourhoods, including single detached dwellings.

### Zoning By-Law 2024-19

The subject property is zoned RES-ENLR (Residential Established Neighbourhood Low Rise) under By-law 2024-19, as amended, which permits detached dwellings. The proposal does not comply with the requirements of the By-law as it relates to maximum lot coverage and hard landscaping projections. Further comments on the increase in lot coverage and hard landscaping are provided in the comments.

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is, "covered canopy added the lot coverage to 38.3% and side yard (garage side) concrete pavement"

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their permit process (24.175243 HP) to confirm the variances required for the proposed development.

### **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 Lot Coverage**

The applicant is requesting to permit a maximum lot coverage of 38.3 percent, whereas the By-law permits a maximum floor area ratio of 35 percent. The proposed lot coverage includes the canopy which adds approximately 24.9 m<sup>2</sup> (268.6 ft<sup>2</sup>) to the overall building area. Excluding the canopy, the building has a lot coverage of 32.99 percent and would comply with the by-law requirement. Given that the canopy fits within the footprint of the existing deck, 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 the resultant dwelling is generally consistent with what the by-law permits.

### **Increase in Hard Landscaping projection**

The applicant is requesting the hard landscaping to project 4.05 m (54 percent) into the required rear yard, whereas the by-law permits hard landscaping to project a maximum of 3.75 m (50 percent) into the minimum 7.5 m rear yard setback for the main building. Staff are of the opinion that the variance is minor in nature and have no concern with the requested variance, as it will maintain the existing rear yard setback.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 14<sup>th</sup>, 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 variance request meets 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 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



---

Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



---

Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

File Path: Amanda\File\ 24 188417 \Documents\District Team Comments Memo

**APPENDIX “A”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/097/24**

1. The variances apply only to the existing development as long as it remains;
2. 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;
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:



---

Theo Ako-Manieson, Planner I, West District

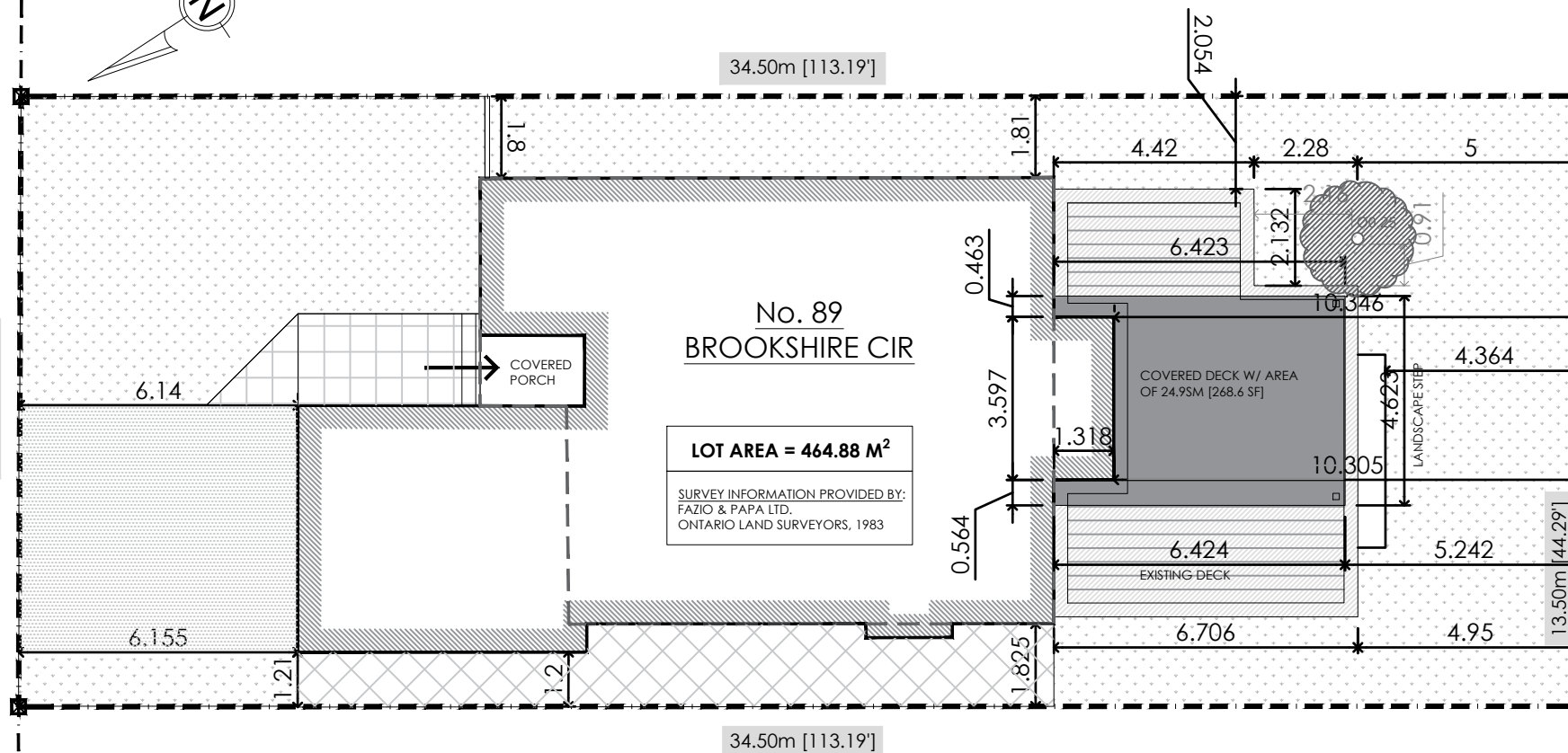
# Appendix B

File: 24.188417.000.00.MNV

Date: 11/14/2024  
MM/DD/YYYY

BROOKSHIRE CIR




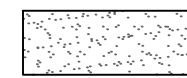
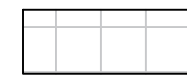


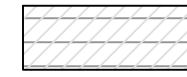

13.50m [44.29']



34.50m [113.19']

**1**  
**A1.0** **SITE PLAN**  
SCALE: 1:150

ZONING STATISTICS:		MARKHAM ZONING	
ZONING:	R8 Single Detached Residential under by-law 72-81		
BUILDING STRUCTURE:	DETACHED		
	ZONING BY LAW	EXISTING	PROPOSED
LOT AREA:	464.88 SM [5,003.92 SF]		
LOT COVERAGE:	33.33% 154.8 SM [1,666.3 SF]	32.99% 153.4 SM [1,650.9 SF] (INC COVERED PORCH)	38.35% 178.3 SM (1,919.5 SF) (INC COVERED PORCH & DECK)
BUILDING HEIGHT:	EXISTING TO REMAIN		
BUILDING SETBACK:			
FRONT:	6.0M	6.14M	NO CHANGES
REAR: HOUSE	7.5M		10.305M
DECK (1M OR LESS IN HEIGHT)	3.0M		5.00M
SIDE:	1.2M & 1.8M	1.2M & 1.825M	NO CHANGES
SIDE:	1.8M	1.8M	NO CHANGES

-  EXISTING BUILDING GROUND FLOOR
-  EXISTING BUILDING SECOND FLOOR
-  PROPERTY LINE
-  EXISTING PAVEMENT TO REMAIN
-  EXISTING SIDEWALK TO REMAIN
-  EXISTING SIDEWALK TO REMOVED
-  EXISTING SOFT LANDSCAPING
-  EXISTING DECK
-  PROPOSED CANOPY

REV.	ISSUED FOR:	DATE:
1.	ISSUED FOR COMMITTEE OF ADJUSTMENT	2024-08-14
2.		
3.		
4.		
5.		



PO Box 31031 Drive-Thru Parcel Centre,  
Richmond Hill, ON L4C 0V3  
c: 416.270.2129; e: raffi@rtarchitects.ca  
w: www.rtarchitects.ca

Project: **CANOPY DESIGN**  
89 BROOKSHIRE CIR, THORNHILL, ON

Drawing Name: **SITE PLAN**

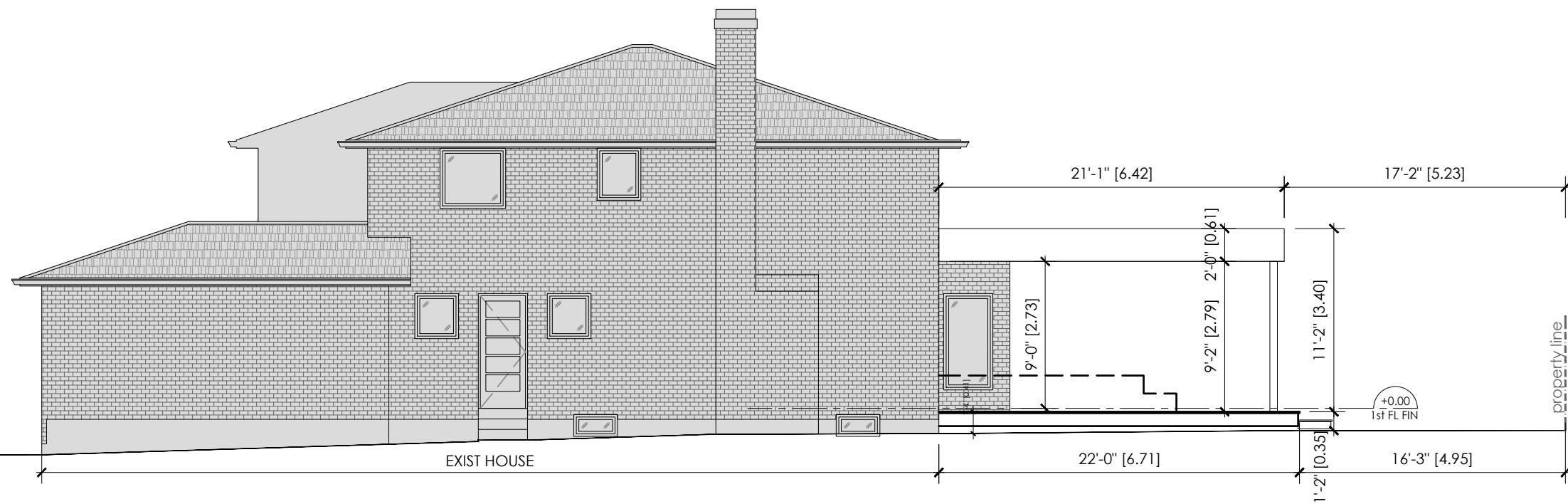
BORAZJANI RESIDENCE	
Project no.:	2240148
Date:	JUNE 2024
Drawn by:	TM
Scale:	AS NOTED
Checked by:	RT
North Arrow:	Drawing No.:

**A1.0**

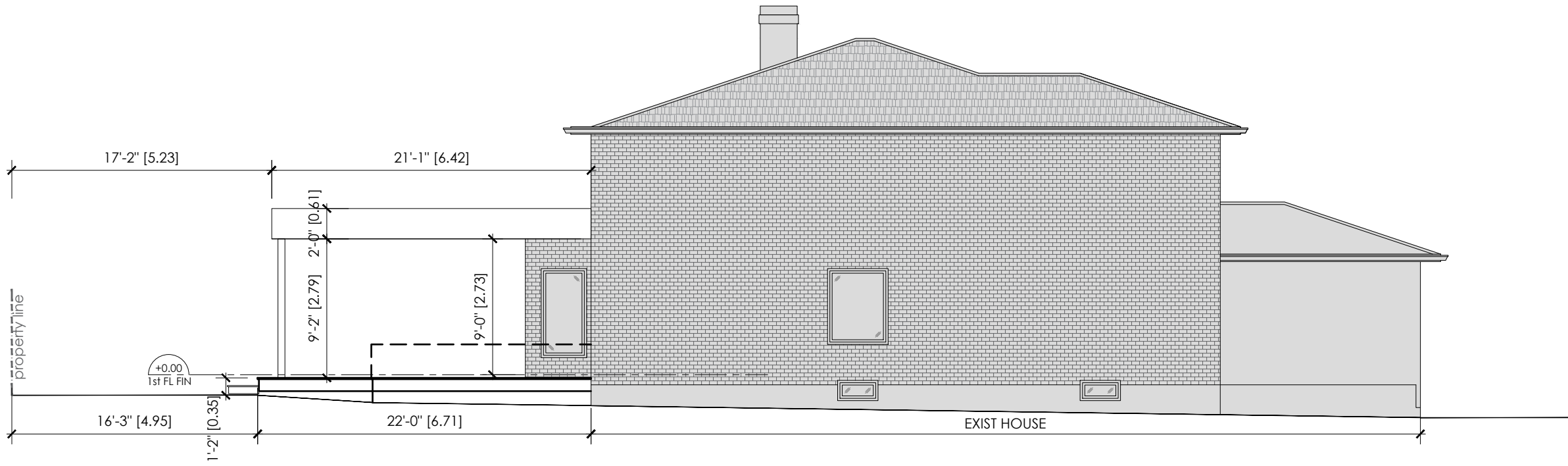
# Appendix B

File: 24.188417.000.00.MNV

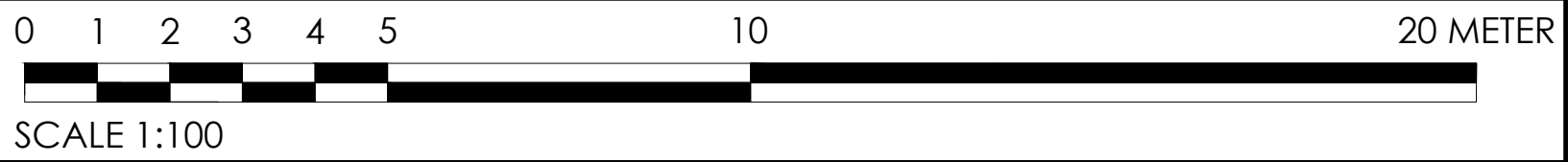
Date: 11/14/2024  
MM/DD/YYYY



1 SIDE ELEVATION  
A1.2 SCALE: 1:100



2 SIDE ELEVATION  
A1.2 SCALE: 1:100



REV.	ISSUED FOR:	DATE:
1.	ISSUED FOR COMMITTEE OF ADJUSTMENT	2024-08-14
2.		
3.		
4.		
5.		



PO Box 31031 Drive-Thru Parcel Centre,  
Richmond Hill, ON L4C 0V3  
c: 416.270.2129; e: raffi@rtarchitects.ca  
w: www.rtarchitects.ca

Project: CANOPY DESIGN  
89 BROOKSHIRE CIR, THORNHILL, ON

Drawing Name: SIDE ELEVATIONS

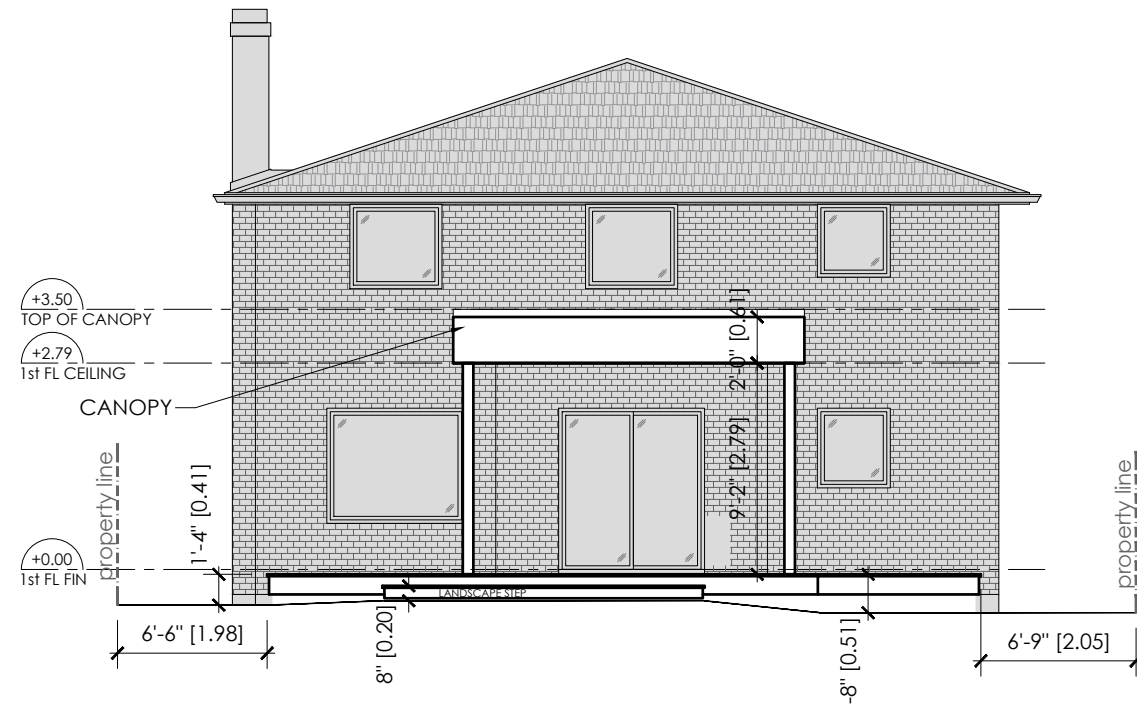
BORAZJANI RESIDENCE	
Project no.:	2240148
Date:	JUNE 2024
Drawn by:	TM
Scale:	AS NOTED
Checked by:	RT

North Arrow: Drawing No: A1.2

# Appendix B

File: 24.188417.000.00.MNV

Date: 11/14/2024  
MM/DD/YYYY



1 REAR ELEVATION  
A1.3 SCALE: 1:100

REV.	ISSUED FOR:	DATE:
1.	ISSUED FOR COMMITTEE OF ADJUSTMENT	2024-08-14
2.		
3.		
4.		
5.		



PO Box 31031 Drive-Thru Parcel Centre,  
Richmond Hill, ON L4C 0V3  
c: 416.270.2129; e: raffi@rtarchitects.ca  
w: www.rtarchitects.ca

Project: CANOPY DESIGN  
89 BROOKSHIRE CIR, THORNHILL, ON

Drawing Name: REAR ELEVATION

BORAZJANI RESIDENCE	
Project no.:	2240148
Date:	JUNE 2024
Drawn by:	TM
Scale:	AS NOTED
Checked by:	RT

North Arrow: Drawing No: A1.3

